A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
March 13, 2018
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Fenix Aguilar, a 6th grade student at Berkeley Middle School and a resident of the Berkeley District

E. PUBLIC COMMENT

F. PRESENTATIONS

1. VDOT Quarterly Update
2. Parks and Recreation Sponsorship Recognition
3. Introduction of New Police Officers

G. CONSENT CALENDAR

1. Minutes Adoption
2. Grant Award - Commonwealth Attorney - V-Stop Grant Program Fund - $59,425
3. Resolution of Appreciation for Mr. L. Carlyle Ford
4. Resolution of Appreciation - Dr. Jack Edwards

H. PUBLIC HEARING(S)

1. Ordinance to amend and reordain Chapter 22, Wetlands
2. SUP-0014-2017. Yard Works SUP Amendment

I. BOARD CONSIDERATION(S)

1. Contract Award - Fire Station 2 HVAC Replacement - $223,500
2. Contract Award-Fire Station 5 HVAC Replacement - $217,500
3. A New Chapter 12 Conflict of Interest & Whistleblower Added to The James City County Personnel Policies and Procedures Manual

J. BOARD REQUESTS AND DIRECTIVES

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

L. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

2. Agricultural and Forestal District Committee Appointments
3. Social Services Advisory Board Appointment

M. ADJOURNMENT

1. Adjourn until 9 a.m. on March 16, 2018 for the Joint Meeting with the W-JCC School Board and the City of Williamsburg at Legacy Hall

AGENDA ITEM NO. D.1.

ITEM SUMMARY

DATE:	3/13/2018
TO:	The Board of Supervisors
FROM:	Teresa J. Fellows, Deputy Clerk
SUBJECT:	Pledge Leader - Fenix Aguilar, a 6th grade student at Berkeley Middle School and a resident of the Berkeley District

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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/26/2018 - 9:32 AM

AGENDA ITEM NO. F.1.

ITEM SUMMARY

DATE: 3/13/2018

TO: The Board of Supervisors

FROM: Rossie Carroll, VDOT Williamsburg Residency Administrator

SUBJECT: VDOT Quarterly Update

ATTACHMENTS:

	Description	Type
	VDOT Report	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/1/2018 - 1:42 PM

James City Board of Supervisor's Meeting **March 13, 2018**

Maintenance Accomplishments (Dec 1 to Feb 28)

We completed 411 of 491 maintenance work orders this timeframe with 80 outstanding (84% complete).

Drainage	34
Roadway	39
Vegetation	7

Residency Direct Line 757-253-5138
VDOT's Customer Service Center **1-800-FOR-ROAD (1-800-367-7623)**

A few highlights of the accomplishments are:

Repaired over 1200 potholes and road repairs with over 50 tons of asphalt
Cleaned over 200 pipes and culverts
Cleaning out ditches and cleared sight distance on Route 60 Richmond Rd
County wide Mowing – County litter pickup of primary and secondary routes in Feb/March. County Primary Routes mowing scheduled for April and VDOT mowing in May.

Current Projects

Emergency Repairs on Route 30 next to 4029 Rochambeau Drive

Repair of the 15" Storm Water Concrete Pipe along Rte 30. Slope failure is close to undermining the eastbound travel lane of Rte. 30. Emergency repair is projected to start early March 2018.

I-64 Widening Segment 1 (UPC 104905) Shirley

The I-64 Segment I completed on time and on budget December 1, 2017

I-64 Widening Segment 2 (UPC 106665) Allan Myers

The I-64 Segment 2 project includes reconstruction of the existing lanes and an additional 12' wide travel lane and median shoulder in each direction. Outside paved shoulders will be widened from 10' to 12' west of Exit 243 due to the higher truck volumes. Nine existing bridges in the corridor will be rehabilitated and widened. Ramp acceleration and deceleration lanes on I-64 will be lengthened. All of the steel beams for the 9 widened bridges have been set. Work continues on the bridge rehabilitation and new deck placement. Travel lanes have been shifted to the outside and the work zone speed limit of 55 mph is in effect. The first traffic shift to new inside lanes expected in April 2018. The project is on schedule for completion by May 24, 2019.

I-64 Widening Segment 3 (UPC 106689) Shirley

The I-64 Segment 3 project includes reconstruction of the existing lanes and an additional 12' wide travel lane and median shoulder in each direction. The outside paved shoulders will be widened from 10' to 12'. Four existing bridges in corridor will be rehabilitated and widened. Ramp acceleration and deceleration lanes on I-64 will be lengthened. The 900' long Queens Lake bridges will be replaced. This project was awarded to the Shirley/Dewberry Design Build team in December 2017, NTP was issued on January 3, 2018. Field investigations are underway. Shoulder strengthening to shift traffic to the outside lanes is scheduled to begin in July 2018. The contract construction completion date is September 24, 2021, with an early completion incentive date of June 26, 2021.

Brookwood Drive at Rte 199 (UPC 102948)
Convert existing right turn lane on Route 199 east to a left/through lane and add new right turn lane on Brookwood Drive onto Route 199 east. Construction starts March 2018 with completion in July 2018.

Longhill Road Widening (UPC 100921)
Longhill Road Project from Rte 199 to Old Towne Rd. –Smart Scale project the Right of Way Acquisition is in progress, and Construction advertisement late 2018 with construction work starts spring of 2019. The scheduled completion is 2021.

Olde Towne Rd/Longhill Rd Turn Lane Improvements (UPC 108805) (Revenue Share FY 2017)
Improve the signalized Intersection of Olde Towne Road at Longhill Road and add turn lanes with added capacity. PE started in March 2017 and Project will be advertised and coordinated with Longhill widening project. Longhill will include the intersection improvements. This project will extend the existing right turn lane and the adjacent sidewalk.

Skiffs Creek Connector (UPC 100200)
Construct 2 lane road connecting Rte 60 to Rte 143. Project is in PE and a Location Study Public Meeting was held on February 15, 2018. RW starts in Nov 2022 and CN in Mar 2025 for completion Jan 2028.

News Road and Centerville Road (UPC 102944)
Increase safety and capacity at intersection of Centerville Rd. and News Rd by constructing a right turn lane on News Road, right and left turn lanes on Centerville Road and adding a new traffic signal. RW has begun with CN start in Nov 2019 for completion in 2021.

Jamestown Ferry Boat (UPC 100947)
New 70 vehicle ferry boat is currently scheduled for a Summer 2018 delivery date.

Bridge Replacement Rte 601 over Diascund Creek, Fed ID 10516 (UPC 98823)
Replace the bridge on Rte 601 with a one lane bridge. Currently in PE with RW start date of Nov. 2018 and a CN start of 2020.

Croaker Road Four Lane Widening from Library to RT 60 (UPC 100920)
Widen road for increased capacity from Rte 60 to RTE 1647 Point O Woods Rd. Currently in PE with RW start in Jul 2018 and CN start in Jul 2020 for completion in Oct 2022.

Pocahontas Trail Reconstruction (UPC 102980)
Upgrade Pocahontas Trail to include sidewalk, paved shoulder, pedestrian lighting, and bus pull offs. Project is currently not fully funded for Design, RW, and CN phases and current effort on this project is corridor assessment and community engagement to identify feasible project phases that can be funded and constructed. This effort is scheduled for completion in early Summer 2018 to be used for Smart Scale funding application.

Emergency Response
Responded to two weather events a Winter Storm with 9 inches of snow January 3-9 and a winter weather event January 16-19.

AGENDA ITEM NO. F.2.

ITEM SUMMARY

DATE: 3/13/2018

TO: The Board of Supervisors

FROM: John Carnifax, Director of Parks and Recreation

SUBJECT: Parks and Recreation Sponsorship Recognition

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/1/2018 - 1:44 PM

AGENDA ITEM NO. F.3.

ITEM SUMMARY

DATE: 3/13/2018

TO: The Board of Supervisors

FROM: Bradley Rinehimer, Chief of Police

SUBJECT: Introduction of New Police Officers

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/1/2018 - 1:42 PM

AGENDA ITEM NO. G.1.

ITEM SUMMARY

DATE: 3/13/2018

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Minutes Adoption

ATTACHMENTS:

	Description	Type
🗋	021318 BOS Minutes	Minutes
🗋	071117 BOS Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/6/2018 - 9:01 AM

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 13, 2018
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Roberts District
James O. Icenhour, Jr., Vice Chairman, Jamestown District
P. Sue Sadler, Stonehouse District
Michael J. Hipple, Powhatan District
Ruth M. Larson, Chairman, Berkeley District

William C. Porter, Interim County Administrator
Adam R. Kinsman, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - William Holt, a 5th-grade student at Norge Elementary School and a resident of the Powhatan District.

E. PUBLIC COMMENT

Ms. Larson announced that the Board Retreat was held to discuss the job description of the County Administrator. She expressed her thanks to Mr. Phil Emerson and the Jamestown-Yorktown Foundation. She noted that an action item was made for the Board of Supervisors by a vote of 4-1 for the regular meetings to start at 5 p.m., and work sessions to begin at 4 p.m. She stated that Mr. Porter relayed to the Board that it could expect an online checkbook in April.

1. Ms. Barbara Henry, 141 Devon Road, addressed the Board in regard to an electronic checkbook.

2. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board in regard to ingress/egress to Fire Station 1 and the online checkbook.

F. PRESENTATIONS

1. StormReady Recognition for James City County

Mr. Bill Sampler, Warning Coordination Meteorologist, National Weather Service in Wakefield, VA, defined StormReady and gave a brief description of its important role in the community. He formally recognized James City County as a StormReady community and presented the County and Ms. Sara Ruch, Emergency Manager, a plaque and road sign depicting a StormReady message along with information on how to acquire additional signage if desired.

At approximately 5:10 p.m., Ms. Larson recessed the Board of Supervisors in order to conduct the James City Service Authority Board of Directors meeting.

At approximately 5:40 p.m., Ms. Larson reconvened the Board of Supervisors.

Ms. Larson recognized in the audience: Ms. Mona Foley, Circuit Court Clerk; Fire Chief Ryan Ashe; Deputy Police Chief Steve Rubino; Mr. Jack Haldeman, Planning Commission member and Mr. Gilley.

G. CONSENT CALENDAR

1. Minutes Adoption

   A motion to Approve was made by John McGlennon, the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

2. Gilley Conservation Easement - Approval of Accessory Structures

   A motion to Approve was made by John McGlennon, the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

3. Continuation Grant Award - Policing in the 21st Century - Recruiting and Hiring Initiative - $12,669

   A motion to Approve was made by John McGlennon, the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

4. Continuation Grant Award - Policing in the 21st Century - Technology Initiative - $12,444

   A motion to Approve was made by John McGlennon, the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

5. Grant Award - VDEM State Homeland Security Program - $46,098

   A motion to Approve was made by John McGlennon, the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

6. Contract Award - Deere Circle Restoration Project - $123,456

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

7. Contract Award - Cooley Road Stream Restoration - $221,150

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

8. Regional Stormwater Program MOA

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

9. Proposed Street Name Change - Collington Lane to Gayle Lane

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

10. Resolution of Appreciation - Jack Edwards

A motion to Postpone was made by Michael Hipple, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Postpone until March 13, 2018 meeting.

H. PUBLIC HEARING(S)

None

I. BOARD CONSIDERATION(S)

None

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that he and several other Board members attended the Virginia Association of Counties Local Government Day in Richmond and had a short meeting with the High Growth Coalition communities at that time. He stated that as part of the agreement between the Commonwealth, consulting parties and Dominion Energy, a fund of approximately $15.5 million had been set aside to address mitigation of the impacts of the construction of the 17 towers across the James River. He noted the $15.5 million had been directed to the Virginia Environmental Endowment, which had been meeting with a technical advisory committee that he was invited to join. He stated that as part of the grant, particular attention should be given toward the Area of Potential Effect, aka APE, which would be our community and the area around Jamestown. He noted a 2-hour meeting with County residents, the James River Association and other groups that was held the previous day. He further noted that the groups discussed ways in which that

money could be put to good use in protecting or improving water quality in this area and shared some of the ideas. He stated that the Virginia Environment Endowment had 10 years to spend the money; however, it hoped to spend it before that timeframe in an effort for the effects to be seen sooner. He expressed his and his colleague's condolences to the families of Ms. Mary Humelsine, Judge William Stone and Mr. James Dorsey on their recent passing.

Ms. Sadler stated that recently she was honored to tour the Angels of Mercy Medical Clinic, which provides quality healthcare whether or not someone can afford it, and emphasized the diabetes program that ranges from treatment to education. She noted its website angelsofmercyclinic.org. She referenced a program that is sponsored by the Community of Faith Mission, which is the Emergency Winter Shelter Program serving the homeless in our area and noted its website at cofm.info.

Mr. Hipple stated that in a few days he would be attending the Transportation Planning and Organization and Planning District Commission meetings. He further stated that he attended a meeting recently with Ms. Shannon Valentine, Secretary of Transportation. He discussed $500 million of bonds put out that did very well and noted it being the second largest in the market for that day. He commented that approximately $583 million will go into transportation projects that are already listed and ready to go. He remarked that in January 2019 a contract for the Hampton Roads Bridge Tunnel will be signed, with a completion date targeted for the end of 2024 and further remarked that it will be one of the largest single transportation projects in the United States. He briefly discussed current and upcoming transportation projects in the area.

Ms. Larson stated that there will be a joint meeting with the School Board in March and that on February 28 she and Mr. Icenhour will be going to their first school liaison meeting for this year. She further stated that she received an email from Ms. Cook regarding Mr. Jim Regimbal, who will be speaking to the Board at the joint meeting and briefly read his biography. She mentioned there were citizens concerned about the speed limit on Jamestown Road in the area going from 45 to 35 mph and stated that Mr. Purse and VDOT had assisted her with that issue and increased signage. On a personal note, she expressed kudos to first responders and commented that her son recently experienced a fire. She expressed appreciation to the A Shift with units from the James City County Stations 1, 3 and 4, as well as York County Station 5 and the City of Williamsburg. She echoed these sentiments for the considerable help received from the James City County Police, Mr. Porter and the Fire Marshal.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. Monthly Report

Mr. Porter stated that his report was included in the Agenda Packet and listed the closings for the upcoming February 19 holiday. He stated that the Citizen's Information Meeting to be held for the potential Alternative Skiffes Creek Connector by VDOT will be held Thursday, February 15, from 6-8 p.m., at the James River Elementary School. He further stated that the connector would be between Route 60 and Route 143 in the area between Route 199 and Route 238 in James City County.

L. CLOSED SESSION

A motion to Enter a Closed Session was made by Michael Hipple, the motion result was

Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

At approximately 6:01 p.m., the Board entered into Closed Session.

At approximately 6:30 p.m., the Board re-entered Open Session.

1. Certification of Closed Session

   A motion to Certify the Closed Session was made by John McGlennon, the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

2. Discussion of the award of a public contract involving the expenditure of public funds, where discussion in an open session would adversely affect the bargaining position of the public body pursuant to Section 2.2-3711 (A)(29) of the Code of Virginia

   A motion to Approve was made by John McGlennon, the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

3. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

4. Board of Zoning Appeals Appointments

   A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon, the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

   Mr. McGlennon made a motion to appoint Mark Jacobowski for a term that would begin in April 1 and expire on March 31, 2023.

5. Planning Commission Appointment

   The Board voiced their desire to continue the discussion of an appointment to the Planning Commission at their Work Session on February 27, 2018.

6. Board of Equalization Appointment

   A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon, the motion result was Passed.
   AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
   Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

   Mr. McGlennon made a motion to recommend the reappointment of Mr. Michael Berry to the Board of Equalization for a new term that would begin on March 1 and expire on February 28, 2021.

   Mr. McGlennon made a motion to recommend the appointment of Mr. Robert Singley, Jr. to fill the balance of a vacated term that expires on December 31, 2019.

7. Thomas Nelson Community College Board

A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Mr. McGlennon made a motion to appoint Mary Ann Maimone to fill the balance of a vacated term that expires on June 30, 2019.

M. ADJOURNMENT

1. Adjourn until 4 p.m., on February 27, 2018, for the Work Session

A motion to Adjourn was made by Michael Hipple, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

At approximately 6:33 p.m., Ms. Larson adjourned the Board of Supervisors.

M I N U T E S
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 11, 2017
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

Ruth M. Larson, Vice Chairman, Berkeley District
Michael J. Hipple, Powhatan District
P. Sue Sadler, Stonehouse District
John J. McGlennon, Roberts District
Kevin D. Onizuk, Chairman, Jamestown District

Adam R. Kinsman, County Attorney
Bryan J. Hill, County Administrator

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Brynn Larson, a rising 1st-grade student at Norge Elementary School and a resident of the Stonehouse District.

E. PUBLIC COMMENT

1. Mr. Chris Henderson, 101 Keystone, addressed the Board in regard to meeting times, kudos to the County for the upkeep of the right-of-ways on Route 199 and suggested a landscape plan.

2. Ms. Barbara Henry, 141 Devin Road, addressed the Board in regard to James City County transparency and an online electronic checkbook.

3. Ms. Rosanne Reddin, 4700 Presidents Court, addressed the Board in regard to meeting times, public attendance and immediate vs. future needs.

F. PRESENTATIONS

1. Department of Veteran Services Presentation

Mr. Steven Combs, Deputy Commissioner, Virginia Department of Veteran Services (DVS), stated that he is present primarily to speak about the Benefits section of the

DVS and gave a partial overview of a PowerPoint presentation; whereas, each Board member was given a paper copy for reference.

Mr. Paul Ormand, a 20-year United States Army Veteran, continued the presentation with a brief summary.

G. CONSENT CALENDAR

A motion to Approve was made by Michael Hipple, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

1. Contract Renewal - Microsoft Enterprise Software Agreement - $481,872

2. Contingency Transfer to Code Enforcement - $30,000

3. Contract Award - Fire and Security Monitoring/Fire Suppression System Services

4. Grant Award - Williamsburg Health Foundation In-School Trauma Kits - $28,400

5. Contract Award - James City County Croaker Library HVAC Replacement - $209,150

6. Commending the James City County Fire Marshals and Reauthorization of Powers

H. PUBLIC HEARING(S)

1. Amendment to County Code Section 3-8, Dangerous Dogs

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

Mr. Kinsman referenced the General Assembly 2017 session and noted that it had changed the definition of Dangerous Dogs and some of the procedures required to declare a dog as dangerous; therefore, parallel changes to the County Code are mandatory.

Mr. Onizuk opened the Public Hearing.

As there were no registered speakers, Mr. Onizuk closed the Public Hearing.

2. Ordinance to Permit Use of Golf Carts on Public Highways in Cypress Point

A motion to Approve was made by Michael Hipple, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

Police Chief Brad Rinehimer referenced an Ordinance that the Board adopted in 2007 regarding neighborhoods and public highways designated for golf cart use and included

in the Agenda Packet. He noted that currently two neighborhoods, Chickahominy Haven and Kristiansand, have had roads designated for golf cart usage. He further noted that recently homeowners in the Cypress Point neighborhood had submitted an application pursuant to Section 13-60 of the County Code requesting the Board designate the streets for golf cart use. He stated that staff feels golf carts can be accommodated along most of the public highways in Cypress Point; however, not all of the roads. He discussed which roads could and could not safely accommodate golf carts and stated that staff recommends adoption of the Ordinance designating certain roads in Cypress Point for golf cart use.

Mr. McGlennon referenced the map included in the Agenda Packet and inquired about the adjoining streets that are not marked in red, with the exception of Riverside Drive, asking if those are all currently accessible to golf cart traffic.

Chief Rinehimer replied that they are not.

Mr. Onizuk opened the Public Hearing.

As there were no registered speakers, Mr. Onizuk closed the Public Hearing

General discussion ensued regarding this issue.

Mr. Onizuk located a speaker card and reopened the Public Hearing.

1. Mr. Pexton Phillips, 7509 Oak Cove Road, addressed the Board regarding Item No. 2.

As there were no other registered speakers, Mr. Onizuk closed the Public Hearing.

3. SUP-0028-2016. Solar Electrical Generation Facility at Norge

A motion to Postpone was made by Michael Hipple, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

Mr. Paul Holt, Director of Community Development, stated that the applicant had requested postponement of this application for one additional month and staff concurred with the request to postpone until the August 8, 2017, Board of Supervisors meeting.

4. Z-0003-2015. Skiffes Creek Switching Station

A motion to Approve was made by Michael Hipple, the motion result was Passed.
AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Sadler, Onizuk
Nays: Larson, McGlennon

The Board and audience watched a video regarding Item No. 4.

Ms. Ellen Cook, Principal Planner, stated that staff did not have anything further to add other than what was presented in the video; however, she noted that staff, the applicant and Dominion Energy representatives were available for questions.

Mr. McGlennon inquired if Ms. Cook or staff was aware of any comparable situation in which the Board had approved such a scale of development adjacent to a low density

residential neighborhood that required this type of Board approval.

Ms. Cook replied that staff continued to review past applications, but did not have any conclusive information for the Board this evening.

Mr. Onizuk noted that the Supreme Court gave the authority for the Board to hear the land use application on the switching station, the switching station not being a part of the overall transmission lines decision and/or project. He stated that the State Code prevents the Board from considering the broader project in its land use decision.

Mr. Kinsman gave a brief summary of the scope of what the Board is allowed to consider within the Supreme Court ruling.

Mr. Onizuk opened the Public Hearing.

- Mr. Kevin Curtis, Vice President of Technical Solutions at Dominion Energy and an Electrical Engineer with extensive experience in electric transmission planning, gave an overview of a PowerPoint presentation he provided.

- Mr. Brennen Keene, Esquire, Attorney with McGuire Woods, LLP, representing Dominion Energy, continued with the PowerPoint presentation regarding the Skiffes Creek Switching Station and referenced documents included in the Agenda Packet. He stated that subject matter experts were present for any questions the Board may have.

- Mr. Rich Krapf, Chairman of the James City County Planning Commission, stated that at its August 5, 2015, Planning Commission meeting, the Board voted 4-2 to recommend against this application and by the same vote, voted that this was not in substantial accord with the Comprehensive Plan. He further stated that the Planning Commission considered the zoning request and Special Use Permit application, but did not consider the Height Waiver and noted that two of the members that were on the Planning Commission at that time are no longer members. He discussed factors of the site that were viewed favorably as well as unfavorably by the Commissioners.

1. Mr. Michael Lager, 3405 William Lee, addressed the Board in favor of Item No. 4.

2. Mr. George Hudgins, 203 The Maine, addressed the Board in favor of Item No. 4.

3. Ms. Alice Borrelli, 116 Ensign John Utie, addressed the Board in opposition to Item No. 4.

4. Mr. Wade Weisman, 4159 Wiffet Way, addressed the Board in favor of Item No. 4.

5. Mr. Tom Cosgrove, 3644 Nelms Lane, speaking on behalf of Newport News Shipbuilding, addressed the Board in favor of Item No. 4.

6. Ms. Rosanne Reddin, 4700 Presidents Court, addressed the Board

in favor of Item No. 4.

7. Ms. Lynn Turner, 6408 Zachariah Drive, addressed the Board in favor of Item No. 4.

8. Admiral Craig Quigley, Executive Director of the Hampton Roads Military and Federal Facilities Alliance, 723 Woodlake Drive, addressed the Board in favor of Item No. 4.

9. Ms. Julie Arsenault, 2159 Benomi Drive, addressed the Board in favor of Item No. 4.

10. Mr. Roy Hollowell, 2747 Linden Lane, addressed the Board in favor of Item No. 4.

11. Ms. Kathy Rothschild, 2 Ensigne Spence, addressed the Board in opposition to Item No. 4.

12. Mr. Harry Knight, 240 William Barksdale, addressed the Board in support of Item No. 4.

13. Ms. Margaret Fowler, representing group members present in the audience for the Save the James Alliance, addressed the Board in opposition to Item No. 4. She introduced the citizens seated in the audience that she was representing.

14. Mr. Danny Schmidt, 218 Southpoint Drive, addressed the Board in opposition to Item No. 4.

15. Mr. Chris Henderson, 101 Keystone, addressed the Board in regard to Item No. 4.

16. Mr. Ronald McKenzie, 3313 Randolph Road, addressed the Board in regard to Item No. 4.

17. Mr. Bruce Howard, 19101 Sandy Point Road, Charles City, VA, addressed the Board in favor of Item No. 4.

18. Ms. Pamela Goddard, 12 Olivewood Court, Greenbelt, MD, speaking on behalf of the National Parks Conservation Association, addressed the Board in opposition to Item No. 4.

19. Ms. Judy Zwelling, 121 Oak Road, addressed the Board in opposition to Item No. 4.

20. Ms. Gina Clayton, 116 Killarney, addressed the Board in support of Item No. 4.

21. Ms. Elizabeth Kostelny, CEO of Preservation Virginia, 204 W. Franklin St., Richmond, VA, addressed the Board in opposition to Item No. 4.

22. Mr. Jamie Brunkow, 609 North 27th St., Richmond, VA, speaking on behalf of the James River Association, addressed the Board in opposition to Item No. 4.

23. Mr. Jim Hurst, 121 Harrop's Glen, addressed the Board in opposition to Item No. 4.

24. Ms. Leighton Powell, 617 St. James St., Richmond, VA, speaking on behalf of Scenic Virginia, addressed the Board in opposition to Item No. 4.

25. Mr. Ed Chappell, 601 Pollard Park, addressed the Board in opposition to Item No. 4.

26. Ms. Sharee Williamson, 200A Clifford Ave., Alexandria, VA, speaking on behalf of the National Trust for Historic Preservation, addressed the Board in opposition to Item No. 4.

27. Mr. Quinn Emmett, 2521 Goodrich Durfey, addressed the Board in opposition to Item No. 4.

28. Mr. Jim Zinn, 147 West Landing, addressed the Board in opposition to Item No. 4.

29. Mr. Dwight Wolf, 1113 Patrick Lane, addressed the Board in opposition to Item No. 4.

30. Mr. Charlie Roberts, 3128 Sapling Drive, addressed the Board in support of Item No. 4.

Mr. Onizuk closed the Public Hearing.

The Board took a break at approximately 7:54 p.m.

The Board reconvened at approximately 8:12 p.m.

Ms. Larson inquired about how much of the sidewalk in the Grove area would be built.

Ms. Cook replied that it would be along the frontage of the parcel owned by Dominion Energy.

Mr. Hipple inquired about safety issues.

Mr. Onizuk inquired about public safety and health impacts the switching station could have on the neighboring community and school. Mr. Curtis expressed his reassurance that Dominion Energy tries to meet the expectations of the community and the commonwealth and remarked that a lot of efforts had been made to ensure safety going into the designs of the 800 switching stations in their system. He stated that the people of Dominion Energy are setting the bar for safety and security in the industry and work closely with the FBI and Homeland Security, as well as staying current on all potential threats. He addressed the topic of switching stations located near schools and stated that Dominion Energy worked very hard with its customers and neighbors in other communities to ensure that fields and exposures at facilities are safe and not harmful.

Mr. Hipple inquired about the station at the existing location.

Mr. Curtis replied it is currently just transmission lines that pass through.

General discussion ensued regarding this topic.

Ms. Sadler inquired about the drinking water, the gas pipe lines and archaeological digs.

Mr. Curtis replied that the exposure to drinking water would potentially be mineral oil and explained about its robust oil retention system.

Mr. McGlennon referenced a condition in the application regarding the use of herbicides.

General discussion ensued regarding drinking water, herbicides, pipelines and archaeological digs.

Mr. McGlennon referenced the purchase of the property in the 1970's, its intended use and inquired about the reason why Dominion Energy had never applied for land use designation.

Mr. Keene replied that typically Dominion Energy does not go through the zoning process on a speculative basis until it actually has a project.

General discussion ensued regarding this topic.

Mr. McGlennon inquired about construction plans, the life span for a substation facility, the depreciation schedule on the site, how the Chickahominy facility compares, general location and any other rezonings of this nature.

Mr. Russell Meadows, Project Manager for the Skiffes Creek Switching Station project, discussed the timeframe for the completion of the project, the amount of construction activity to be anticipated over a year, traffic, equipment, roadways, noise, amount of workers on site, hours of construction and transportation for the employees working on the site.

General discussion ensued regarding these topics.

Mr. Jay Garrett, Design Engineer, addressed the life span for a substation facility inquiry.

Mr. Curtis, Mr. Keene and Ms. Courtney Clemens discussed the depreciation and comparison of the Chickahominy site, the general location and any other rezonings of this nature.

General discussion ensued regarding these topics.

Mr. McGlennon and Ms. Larson expressed their appreciation to everyone involved in this project and the community interest.

Ms. Larson inquired about how Dominion Energy would handle any issues that might arise.

Mr. Curtis discussed different scenarios and gave reassurances on how Dominion Energy monitors its sites and protocols they had in place.

Mr. Hipple discussed other switching stations located in James City County and the facilities they are near, as well as touring switching stations and observing the safety precautions in place. He expressed reassurances to residents where he recently toured these state-of-the-art facilities.

General discussion ensued regarding this topic.

Ms. Sadler inquired about the traffic.

Mr. Keene addressed her concerns.

Mr. McGlennon referenced the adjacent property owner that stated during the Public Hearing that there had not been any communication with Dominion Energy.

Mr. Keene stated that Dominion Energy held a community meeting/open house and remarked that every property owner in the Grove area received an invitation along with contact information for follow up if they could not attend the meeting.

General discussion ensued regarding this topic.

Mr. Onizuk expressed his appreciation for everyone involved with this issue and the level of professional conduct that was shown during the process. He inquired that if theoretically the vote this evening was "no," what would that visualization be in regards to the time delay for the completion of the project; is there a Plan B; the extension of the use of the coal facility; and rerouting. He inquired that if theoretically the vote this evening was "yes," what would be the timeline for the completion of the entire project.

Mr. Curtis responded to these questions and commended the people that 40 years ago envisioned the need of this grid in an area limited for transmission infrastructure.

Mr. Meadows responded to the timeline question and stated that the timeframe is 18 to 20 months.

General discussion ensued regarding these topics. Mr. McGlennon inquired about the time it had taken for Dominion Energy to undertake this project and questioned the full impact environmental study. He noted that this could have been done three years ago and the impacts would now be known. He inquired as to the number of people living on the peninsula that participated in the conservation program and stressed active promotion of every opportunity for conservation.

Mr. Curtis replied that with all due respect, they did not wait and explained the circumstances prior to the retirement of the Yorktown Refinery.

General discussion ensued regarding Item No. 4.

Mr. Onizuk again inquired if there is a Plan B.

Mr. Curtis replied that there is not a Plan B that he is comfortable with.

Mr. Onizuk inquired about mitigation throughout this project and asked if Dominion Energy was going to make any commitments to that area of the County as part of this plan.

Mr. Curtis replied yes and discussed opportunities in regards to this discussion.

Mr. McGlennon remarked that he is the representative of the area in question and stated his dismay at the fact that the opportunities in question had not been previously disclosed to him. He addressed Mr. Onizuk and stated that he was shocked to be hearing this information now for the first time; whereas, apparently Mr. Onizuk had heard about it

previously.

Mr. Onizuk replied that he had received a vague telephone call and that is why he asked the question this evening.

Ms. Larson stated that she had also received a telephone call, at which point she reached out to the Chairman of the School Board, who knew nothing about these plans. She further stated she asked that they speak to the Superintendent; whereas, Ms. Larson received a telephone call back stating that they had not been made aware of the situation. Therefore, she felt that this had not been vetted with the school division.

General discussion ensued regarding Item No. 4.

Ms. Sadler expressed her gratitude to Dominion Energy for helping the locality once being made aware that there are needs in the community.

Ms. Larson reiterated the question that Mr. McGlennon had asked regarding will Dominion Energy still offer assistance to James River Elementary School if this item is not approved.

General discussion ensued regarding this matter.

Mr. Onizuk clarified that he had heard that in an effort to balance a negative community impact, Dominion Energy may be looking to do a positive contribution and stressed that is all he knew.

Mr. McGlennon stated that the normal process is that information should be expressed in the proffers that were being made or the conditions that were part of this process, not at the last minute with no specifications and nothing in writing.

Ms. Larson stated that the information should have come to Mr. Onizuk as the Chair if it was not going to be in the proffers or it should have come to the Vice Chair and expressed that she took exception as well.

General discussion on this issue ensued.

Mr. Hipple expressed his embarrassment and felt that they were putting Dominion Energy on trial. He stated that the Board was here to decide whether this land use was right or not. He further stated that the switching station was not shown on the County's Adopted Comprehensive Plan and questioned why not, what did we as a County miss. He remarked that in his opinion it looked like this switching station was missed by everyone. He noted that in the past, Dominion Energy had contributed to the funds for Grove Christian Outreach in order to get that completed and therefore had been helping the community. He further discussed the land use for the property in question.

Mr. McGlennon stated that his direction is still focused on the land use and noted that when he looks at the Comprehensive Plan and our responsibilities in this instance, he saw that we are supposed to take a look at this particular parcel of property and see if even after the rezoning would it still be consistent with the surrounding residential designations. He further stated that this is not consistent with those designations.

General discussion ensued regarding this topic.

Mr. Onizuk stated that he is certainly not putting Dominion Energy on trial and appreciates its community involvement and investment throughout the state. He

remarked that he was questioning rumors he heard and the intentions for the Grove community. He noted that he knew it was not part of the proffers and inquired if the buffers around the switching station could be addressed.

Mr. Keene replied that the buffers required under the Ordinance are where property is zoned adjacent to residential R-8; therefore, the buffers meet the requirements.

Mr. Onizuk discussed economic opportunities and the BASF property. He stated that he briefly met with Mr. Ron McKenzie, who expressed concerns about the switching station primarily regarding the railway lines and railroad tracks. He asked if Dominion Energy, in an effort to preserve the economic opportunities, could commit to working with whomever took a look at that parcel to help mitigate any circumstances with the power lines.

Community Development/Planning staff addressed the Board and general discussion ensued regarding this topic as well as substations, land use designations and property zonings and rezonings.

Ms. Larson stated that she in no way indicated there was a bribe and clarified that she simply felt that it was late notice and not communicated as it should have been. She expressed her gratitude to the audience for its gracious behavior throughout the meeting. She expressed her thanks to the men and women at Dominion Energy for the jobs they do. She stated that she did not feel that this switching station was a fit for the Grove area. She commented that the reason the school budget had not been fulfilled was because of a state shortfall, not a locality issue and questioned that being used as a yardstick as to whether or not something was approved. She remarked that as a county we should not approve or deny decisions based on the anticipated tax revenue. She expressed gratitude to her colleagues and commented that she felt whatever their vote was this evening, she knew they had considered the matter very carefully. She remarked that if this project was approved this evening, that staff bring to the Board a consideration for a percentage of the tax revenue specifically earmarked to enhance the quality of life for the Grove neighborhood.

Mr. Hipple thanked all the citizens for their input, the Board for good discussions and Dominion Energy for all of its efforts as well as being a good corporate citizen for the County.

Ms. Sadler expressed her thanks to fellow Board members and everyone that came out this evening, as well as all the respectful comments. She remarked that military closures and huge corporations depend on reliable energy, which weighs considerably on her mind. She stated that Dominion Energy had owned the property for 40 years and did not see a reason why this project could not take place.

Mr. McGlennon stated that he took Mr. Curtis at his word and did not intend to suggest anything improper; however, he is hopeful that he will be better advised in the future about the best way to approach efforts to address the impacts of proposals on communities. He commented that the Board was told it had the authority to make the decision as it relates to the impact on the local community; however, on the other hand, it appeared like the decision had already been made. He noted that is not what the Board is about and commented that the Board is to evaluate where there is or is not a positive or negative impact. He stated his concerns that this is an area where there is too much opportunity for bad things to happen and noted major traffic infrastructure, utilities and that the adjoining community had been asked to take on many things most areas do not want in their backyards. He mirrored Ms. Larson's remark regarding potential tax revenues and agreed that should not be a deciding factor. He stated that he does not

support this application.

Mr. Onizuk stated that this is purely a property in land use decision impacting the parcels in question and the land use for the switching station and added that how the power line reaches its destination is not a matter of discussion tonight. He concurred that the potential tax revenues should not be the deciding factor just as his colleagues had pointed out. He expressed kudos to Dominion Energy for the overall experience and reaching out to all Board members over the years with documentation, research information, tours and meetings. He stated that Dominion Energy had said there are pending issues and discussed extensive research leading up to this evening. He noted major employers in the area that rely on power 24/7 and potential opportunities for economic impacts.

5. SUP-0002-2015. Skiffes Creek Switching Station

A motion to Approve was made by Michael Hipple, the motion result was Passed.
AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Sadler, Onizuk
Nays: Larson, McGlennon

Ms. Cook stated that the information regarding this item was presented in the video earlier in the meeting and was included in the Agenda Packet.

Mr. Onizuk opened the Public Hearing.

As there were no registered speakers, Mr. Onizuk closed the Public Hearing.

There were no comments from the Planning Commission.

6. HW-0001-2015. Skiffes Creek Switching Station

A motion to Approve was made by Sue Sadler, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

Ms. Cook stated that the information regarding this item was presented in the video earlier in the meeting and was included in the Agenda Packet.

Mr. Onizuk opened the Public Hearing. As there were no registered speakers, Mr. Onizuk closed the Public Hearing.

Mr. McGlennon stated that he had opposed two previous resolutions, but will approve the height waiver due to the fact that the Board had already approved the others, otherwise he felt it would make an unsafe situation.

I. BOARD CONSIDERATION(S)

1. Skiffes Creek Switching Station: Appeal of Code of Virginia 15.2-2232 Finding

A motion to Approve was made by Michael Hipple, the motion result was Passed.
AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Sadler, Onizuk
Nays: Larson, McGlennon

Ms. Cook stated that the information regarding this item was presented in the video earlier in the meeting and was included in the Agenda Packet.

Mr. McGlennon stated that he would oppose on the basis that he felt the Planning Commission exercised its due diligence and properly made a determination, the Board may have reached a different conclusion, but he did not believe that the Planning Commission acted improperly in its actions.

General discussion and clarification ensued regarding the motion on the floor.

The Board took a break at approximately 10:24 p.m.

The Board reconvened at approximately 10:33 p.m.

J. BOARD REQUESTS AND DIRECTIVES

Ms. Larson asked permission of the Board to join them electronically in August due to a family event she will be attending.

Mr. Hipple stated that he had no further comments.

Ms. Sadler stated that she had no further comments.

Mr. McGlennon stated that he recently attended a very successful meeting of the High Growth Coalition in Culpepper and noted that Mr. Kinsman was a panelist and did an outstanding job.

Mr. Onizuk stated that he had no further comments.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Hill thanked Ms. Larson for the Jamestown Jams Concert Series wrap-up and gave an overview of upcoming music and concerts to be held the County.

At approximately 10:35 p.m., Mr. Onizuk recessed the Board of Supervisors in order to conduct the James City Service Authority Board of Directors meeting.

At approximately 10:45 p.m., Mr. Onizuk reconvened the Board of Supervisors.

L. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

2. Discussion or consideration of the acquisition of real property for a public purpose pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia

A motion to Enter a Closed Session was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

At approximately 10:46 p.m., the Board entered Closed Session.

At approximately 10:58 p.m., the Board re-entered Open Session.

3. Closed Session Certification

A motion to Certify the Closed Session was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

4. Social Services Advisory Board Appointment

A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

Mr. McGlennon made a motion to appoint Mr. Christopher McDonald for a four year term expiring on July 11, 2021.

5. Clean County Commission Appointment

A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

Mr. McGlennon made a motion to appoint Kevin Radcliffe to fill the balance of a vacated term which expires on March 11, 2018.

6. Colonial Community Criminal Justice Board Appointment

A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

Mr. McGlennon made a motion to reappoint Judge Colleen Killilea to a new term effective August 1 and expiring on July 31, 2020.

7. Williamsburg Area Arts Commission Appointment

A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

Mr. McGlennon made a motion to appoint Paige Bishop to fill the balance of a vacated term expiring on June 30, 2020.

M. ADJOURNMENT

1. Adjourn until 4 p.m. on July 25, 2017 for the Work Session

A motion to Adjourn was made by Michael Hipple, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

At approximately 11:00 p.m., Mr. Onizuk adjourned the Board.

AGENDA ITEM NO. G.2.

ITEM SUMMARY

DATE: 3/13/2018

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth Attorney

SUBJECT: Grant Award - Commonwealth Attorney - V-Stop Grant Program Fund - $59,425

ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Financial Management	Mellen, Sue	Approved	3/6/2018 - 9:01 AM
Publication Management	Burcham, Nan	Approved	3/6/2018 - 9:20 AM
Legal Review	Kinsman, Adam	Approved	3/6/2018 - 10:19 AM
Board Secretary	Fellows, Teresa	Approved	3/6/2018 - 10:29 AM
Board Secretary	Purse, Jason	Approved	3/6/2018 - 1:55 PM
Board Secretary	Fellows, Teresa	Approved	3/6/2018 - 2:00 PM

M E M O R A N D U M

DATE: March 13, 2018

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth Attorney

SUBJECT: Grant Award - Commonwealth Attorney - V-Stop Grant Program Fund - $59,425

The Commonwealth Attorney has been awarded a $59,425 (Federal Share $28,372; County Match $31,053) grant from the V-STOP Grant Program Fund through the State Department of Criminal Justice Services. The grant will fund the personnel costs for the continuation of a position to advocate for victims of crimes involving domestic violence, sexual abuse and stalking. The Commonwealth Attorney has been successful in obtaining this grant for more than 10 years and plans to apply for this grant in the future.

The attached resolution appropriates these funds to the Special Projects/Grant Fund through December 31, 2018.

Staff recommends adoption of the attached resolution.

NG/nb
GA-VStopProg-mem

Attachment

R E S O L U T I O N

GRANT AWARD - COMMONWEALTH ATTORNEY

V-STOP GRANT PROGRAM FUND - $59,425

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County (JCC) has been awarded a $59,425 grant (Federal Share $28,372; County Match $31,053), which is awarded annually from the V-STOP Grant Fund through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs to advocate for victims of crimes involving domestic violence, sexual abuse and stalking beginning January 1, 2018 through December 31, 2018; and

WHEREAS, this grant requires a local cash or in-kind match of $31,053, which is available in the Commonwealth Attorney's general fund account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through December 31, 2018, for the purposes described above:

Revenues:		
CY 18 V-STOP Department of Criminal Justice Services Federal Revenue		$28,372
CY 18 V-STOP JCC Matching Funds		31,053
	Total	$59,425
Expenditure:		
CY 18 V-STOP Grant Program		$59,425

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of March, 2018.

GA-VStopProg-res

AGENDA ITEM NO. G.3.

ITEM SUMMARY

DATE: 3/13/2018

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Resolution of Appreciation for Mr. L. Carlyle Ford

ATTACHMENTS:

	Description	Type
🗋	Resolution of Appreciation	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	2/23/2018 - 8:26 AM
Development Management	Holt, Paul	Approved	2/23/2018 - 8:27 AM
Publication Management	Burcham, Nan	Approved	2/23/2018 - 8:30 AM
Legal Review	Kinsman, Adam	Approved	2/23/2018 - 9:35 AM
Board Secretary	Fellows, Teresa	Approved	2/26/2018 - 9:44 AM
Board Secretary	Purse, Jason	Approved	3/6/2018 - 1:54 PM
Board Secretary	Fellows, Teresa	Approved	3/6/2018 - 2:01 PM

RESOLUTION OF APPRECIATION

MR. L. CARLYLE FORD

WHEREAS, Mr. L. Carlyle Ford was charged with establishing the Agricultural and Forestal District (AFD) program in James City County; and

WHEREAS, Mr. Ford organized the creation of 12 Agricultural and Forestal Districts to preserve more than 17,676 acres of land in 1986; and

WHEREAS, Mr. Ford has served the citizens of James City County as a member of its AFD Advisory Committee from July 1986 to January 2018; and

WHEREAS, Mr. Ford demonstrated a deep and lasting concern for the development, management and administration of AFDs throughout James City County; and

WHEREAS, Mr. Ford, by his actions, has helped to preserve Agricultural and Forestal lands for future generations of James City County residents.

WHEREAS, Mr. Ford has had a long and distinguished career serving the citizens of James City County, first as a Business License Inspector starting on January 7, 1974, was then promoted to Deputy Business License Inspector on January 1, 1980 and then became Commissioner of the Revenue from January 1, 1984 until his retirement on December 31, 1999.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby extend its appreciation to

MR. L. CARLYLE FORD

and expresses its gratitude to Mr. Ford for 44 years of dedicated service to the citizens of James City County.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of March, 2018.

ROA-Ford-res

AGENDA ITEM NO. G.4.

ITEM SUMMARY

DATE: 3/13/2018

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Resolution of Appreciation - Dr. Jack Edwards

ATTACHMENTS:

	Description	Type
	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	2/26/2018 - 9:51 AM
Board Secretary	Fellows, Teresa	Approved	3/6/2018 - 9:03 AM

RESOLUTION OF APPRECIATION

DR. JACK D. EDWARDS

WHEREAS, Dr. Jack D. Edwards has tirelessly served James City County citizens with dedication and integrity since 1962; and

WHEREAS, most recently, Dr. Edwards has served on the James City County Electoral Board for the past 16 years; and

WHEREAS, Dr. Edwards also served on the James City County Board of Supervisors for 28 years, from 1972 until 2000; and

WHEREAS, Dr. Edwards served on the faculty of The College of William and Mary for 30 years, as Professor of Government, Dean of the Faculty of Arts and Sciences and Chairman of the Department of Government; and

WHEREAS, Dr. Edwards has been President of two statewide local government organizations: the Virginia Association of Counties, 1977-1978, and the Virginia Municipal League, 1989-1990; and

WHEREAS, Dr. Edwards has also served as a member of the Board of Directors of Williamsburg Landing as President of the Resident's Council, as a member of the Leadership Historic Triangle Board, as Chair of the Christopher Wren Association and as the former President of the Williamsburg Lawn Bowling Club.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby celebrates the retirement of

DR. JACK D. EDWARDS

and expresses its appreciation for his legacy of leadership and service.

_____
Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of March, 2018.

ROA-Edwards-res

AGENDA ITEM NO. H.1.

ITEM SUMMARY

DATE: 3/13/2018

TO: The Board of Supervisors

FROM: Elizabeth Parman, Assistant County Attorney

SUBJECT: Ordinance to amend and reordain Chapter 22, Wetlands

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ATTACHMENTS:

	Description	Type
🗋	Memo	Cover Memo
🗋	Ordinance with edits tracked	Cover Memo
🗋	Ordinance final	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	2/20/2018 - 9:52 AM
Publication Management	Burcham, Nan	Approved	2/20/2018 - 10:01 AM
Legal Review	Kinsman, Adam	Approved	2/23/2018 - 9:35 AM
Board Secretary	Fellows, Teresa	Approved	2/26/2018 - 9:45 AM
Board Secretary	Purse, Jason	Approved	3/6/2018 - 1:52 PM
Board Secretary	Fellows, Teresa	Approved	3/6/2018 - 2:01 PM

M E M O R A N D U M

DATE: March 13, 2018

TO: The Board of Supervisors

FROM: Elizabeth Parman, Assistant County Attorney

SUBJECT: Ordinance to amend and reordain Chapter 22, Wetlands by amending Article I, In General, Section 22-3, Permitted uses; Article II, Use Permits, Section 22-4, Required for certain activities; application generally; fee; Article II, Use Permits, Section 22-6, Public hearing; Article II, Use Permits, Section 22-7, Wetlands board action; Article II, Use Permits, Section 22-11, Permit to be in writing; and Article II, Use Permits, Section 22-13, No effect on applicable zoning and land use ordinances

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Chapter 22 - Wetlands of the James City County Code of Ordinances was adopted pursuant to Title 28.2, Chapter 13, § 28.2-1300 et seq. of the Code of Virginia to regulate the use and development of wetlands in the County. The Code of Virginia § 28.2-1302 contains the specific language a locality must use if such locality chooses to adopt a wetlands Ordinance. In relevant part § 28.2-1302 states "any county, city or town may adopt the following ordinance, which, after October 1, 1992, *shall serve as the only wetlands zoning ordinance under which any wetlands board is authorized to operate*." Emphasis added.

The Code of Virginia § 28.2-1302 was last amended in 2014. Chapter 22 of the County Code was last amended in 2011. Six sections of Chapter 22; 22-3, 22-4, 22-6, 22-7, 22-11 and 22-13 do not align with the Code of Virginia § 28.2-1302.

Therefore, Chapter 22 of the County Code should be amended to comply with the Code of Virginia. The attached Ordinance amends Sections 22-3, 22-4, 22-6, 22-7, 22-11 and 22-13 to bring Chapter 22 of the County Code in line with the Code of Virginia § 28.2-1302.

EP/nb
Ch22-Wetlands-mem

Attachments

ORDINANCE NO. _____

ORDINANCE TO AMEND AND REORDAIN CHAPTER 22, WETLANDS BY AMENDING ARTICLE I, IN GENERAL, SECTION 22-3, PERMITTED USES; ARTICLE II, USE PERMITS, SECTION 22-4, REQUIRED FOR CERTAIN ACTIVITIES; APPLICATION GENERALLY; FEE; ARTICLE II, USE PERMITS, SECTION 22-6, PUBLIC HEARING; ARTICLE II, USE PERMITS, SECTION 22-7, WETLANDS BOARD ACTION; ARTICLE II, USE PERMITS, SECTION 22-11, PERMIT TO BE IN WRITING; AND ARTICLE II, USE PERMITS, SECTION 22-13, NO EFFECT ON APPLICABLE ZONING AND LAND USE ORDINANCES.

WHEREAS, Section 28.2-1302 of the Code of Virginia, 1950, as amended, (the "Code of Virginia") authorizes a locality to adopt an Ordinance under which a Wetlands Board is permitted to operate; and

WHEREAS, the Board of Supervisors of James City County (the "Board") has adopted an Ordinance pursuant to Section 28.2-1302 of the Virginia Code as set forth in James City County Code (the "County Code") Chapter 22-Wetlands; and

WHEREAS, Section 28.2-1302 of the Code of Virginia requires specific language for a wetlands zoning Ordinance; and

WHEREAS, Section 28.2-1302 of the Code of Virginia was last amended in 2014 and Chapter 22 of the County Code was last amended in 2011; and

WHEREAS, six sections of Chapter 22 of the County Code, 22-3, 22-4, 22-6, 22-7, 22-11 and 22-13, do not align with Section 28.2-1302 of the Code of Virginia.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Chapter 22, Wetlands, is hereby amended and reordained by amending Sections 22-3, Permitted uses; 22-4, Required for certain activities; application generally; fee; 22-6, Public Hearing; 22-7, Wetlands Board action; 22-11, Permit to be in writing; and 22-13, No effect on applicable zoning and land use Ordinances.

Chapter 22 - WETLANDS

ARTICLE I. IN GENERAL

Sec. 22-3. Permitted uses.

The following uses of and activities on wetlands are permitted, if otherwise permitted by law:

(a) The construction and maintenance of noncommercial catwalks, piers, boathouses, boat shelters, fences, duckblinds, wildlife management shelters, footbridges, observation decks and shelters and other similar structures; provided, that such structures are so constructed on pilings as to

permit the reasonably unobstructed flow of the tide and preserve the natural contour of the wetlands;

(b) The cultivation and harvesting of shellfish and worms for bait;

(c) Noncommercial outdoor recreational activities, including hiking, boating, trapping, hunting, fishing, shellfishing, horseback riding, swimming, and skeet and trap shooting and shooting on shooting preserves; provided, that no structure shall be constructed except as permitted in subsection (a) of this section;

(d) Other outdoor recreational activities, provided they do not impair the natural functions or alter the natural contour of the wetlands;

(e) *Grazing, haying, and cultivating and harvesting agricultural, forestry or horticultural products;* ~~The Cultivation and harvesting of agricultural, forestry or horticultural products; grazing and haying;~~

(f) Conservation, repletion and research activities of the Commission, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries and other ~~related~~ conservation-*related* agencies;

(g) The construction or maintenance of aids to navigation which are authorized by governmental authority;

(h) Emergency measures decreed by any duly appointed health officer of a governmental subdivision acting to protect the public health;

(i) The normal maintenance ~~repair~~ *and repair of*, or addition to, presently existing roads, highways, railroad beds, or the facilities ~~of any person, firm, corporation, utility, federal, state, county, city or town~~ abutting on or crossing wetlands, ~~;~~ provided, that no waterway is altered and no additional wetlands are covered;

(j) Governmental activity in wetlands owned or leased by the Commonwealth of Virginia or a political subdivision thereof; ~~and,~~

(k) The normal maintenance of man-made drainage ditches, provided that no additional wetlands are covered. This subdivision does not authorize construction of any drainage ditch; *and*

(l) The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of Virginia Code § 28.2-104.1.

ARTICLE II. USE PERMITS

Sec. 22-4. Required for certain activities; application generally; fee.

(a) Any person who desires to use or develop any wetland within this county, other than for the purpose of conducting the activities specified in section 22-3 ~~above~~*of this chapter,* shall first file an application for a permit *directly with the wetlands board or with* ~~through~~ the *C*~~c~~ommission.

(b) The permit application shall include the following: The name and address of the applicant; a detailed description of the proposed activities; a map, drawn to an appropriate and uniform scale, showing the

area of wetlands directly affected, the location of the proposed work thereon, the area of existing and proposed fill and excavation, the location, width, depth and length of any proposed channel and disposal area, and the location of all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways and other related appurtenances or facilities, including those on adjacent uplands; a description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the application has notice; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental off-site effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.

(c) A nonrefundable processing fee shall accompany each permit application to cover the cost of processing as follows:

(1) For permits affecting 20,000 square feet or less of wetlands - $100.00.

(2) For permits affecting more than 20,000 but not more than 40,000 square feet of wetlands - $200.00.

(3) For permits affecting more than 40,000 square feet of wetlands - $200.00 plus $100.00 for each acre in excess of one acre of affected wetlands.

(4) Payment of any permit fees established in section 24-4 shall be waived for the county, any entity created solely by the county and those regional entities to which the county is a party provided that: (1) The other parties to the regional entity similarly waive fees; and (2) The regional entity has locations in more than one locality.

Sec. 22-6. Public hearing.

Not later than 60 days after receipt of a complete application, the wetlands board shall hold a public hearing on the application. The applicant, the local governing body, Ceommissioner, owner of record of any land adjacent to the wetlands in question, known claimants of water rights in or adjacent to the wetlands in question, the Virginia Institute of Marine Science, the department of Game and Inland Fisheries, the Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. The board shall mail these notices not less than 20 days prior to the date set for the hearing. The wetlands board shall also cause notice of the hearing to be published at least once a week for two weeks prior to such hearing in a newspaper of general circulation in this county. The published notice shall specify the place or places within the county where copies of the application may be examined. The costs of such publication shall be paid by the applicant.

Sec. 22-7. Wetlands board action.

(a) Approval of a permit application shall require the affirmative vote of three members of a five-member board or four members of a seven-member board.

(b) The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Any person may testify at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board shall make a record of the

proceeding, which shall include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings and decision of the board~~,~~ and the rationale for the decision.

(c) The board shall make its determination within 30 days of the hearing. If the board fails to act within that time, the application shall be deemed approved. Within 48 hours of its determination, the board shall notify the applicant and the *C*~~c~~ommissioner of its determination. If the board fails to make a determination within the 30-day period, it shall notify the applicant and the *C*~~c~~ommission that the application is deemed approved. For purposes of this section, "act" means taking a vote on the application. If the application receives less than four affirmative votes from a seven-member board or less than three affirmative votes from a five-member board, the permit shall be denied.

(d) If the board's decision is reviewed or appealed, the board shall transmit the record of its hearing to the *C*~~c~~ommissioner. Upon a final determination by the *C*~~c~~ommission, the record shall be returned to the board. The record shall be open for public inspection at the engineering and resource protection division office of this county.

Sec. 22-11. Permit to be in writing.

The permit shall be in writing, signed by the chairman of the board *or his authorized representative,* and notarized. A copy of the permit shall be transmitted to the *C*~~c~~ommissioner.

Sec. 22-13. No effect on applicable zoning and land use ordinances.

No permit granted by a wetlands board shall affect in any way the applicable zoning and land use ordinances of this county *or the right of any person to seek compensation for any injury in fact incurred by him because of the proposed activity*.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of March, 2018.

Ch22-Wetlands-res

ORDINANCE NO. _____

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WHEREAS, Section 28.2-1302 of the Code of Virginia requires specific language for a wetlands zoning Ordinance; and

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(e) Grazing, haying, and cultivating and harvesting agricultural, forestry or horticultural products;

(f) Conservation, repletion and research activities of the Commission, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries and other conservation-related agencies;

(g) The construction or maintenance of aids to navigation which are authorized by governmental authority;

(h) Emergency measures decreed by any duly appointed health officer of a governmental subdivision acting to protect the public health;

(i) The normal maintenance and repair of, or addition to, presently existing roads, highways, railroad beds, or the facilities abutting on or crossing wetlands, provided, that no waterway is altered and no additional wetlands are covered;

(j) Governmental activity in wetlands owned or leased by the Commonwealth of Virginia or a political subdivision thereof;

(k) The normal maintenance of man-made drainage ditches, provided that no additional wetlands are covered. This subdivision does not authorize construction of any drainage ditch; and

(l) The construction of living shoreline projects authorized pursuant to a general permit developed under subsection B of Virginia Code § 28.2-104.1.

ARTICLE II. USE PERMITS

Sec. 22-4. Required for certain activities; application generally; fee.

(a) Any person who desires to use or develop any wetland within this county, other than for the purpose of conducting the activities specified in section 22-3 of this chapter, shall first file an application for a permit directly with the wetlands board or with the Commission.

(b) The permit application shall include the following: The name and address of the applicant; a detailed description of the proposed activities; a map, drawn to an appropriate and uniform scale, showing the area of wetlands directly affected, the location of the proposed work thereon, the area of existing and proposed fill and excavation, the location, width, depth and length of any proposed channel and disposal area, and the location of all existing and proposed structures, sewage collection and

treatment facilities, utility installations, roadways and other related appurtenances or facilities, including those on adjacent uplands; a description of the type of equipment to be used and the means of equipment access to the activity site; the names and addresses of owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the application has notice; an estimate of cost; the primary purpose of the project; any secondary purposes of the project, including further projects; the public benefit to be derived from the proposed project; a complete description of measures to be taken during and after the alteration to reduce detrimental off-site effects; the completion date of the proposed work, project, or structure; and such additional materials and documentation as the wetlands board may require.

(c) A nonrefundable processing fee shall accompany each permit application to cover the cost of processing as follows:

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Sec. 22-6. Public hearing.

Not later than 60 days after receipt of a complete application, the wetlands board shall hold a public hearing on the application. The applicant, the local governing body, Commissioner, owner of record of any land adjacent to the wetlands in question, known claimants of water rights in or adjacent to the wetlands in question, the Virginia Institute of Marine Science, the department of Game and Inland Fisheries, the Water Control Board, the Department of Transportation, and any governmental agency expressing an interest in the application shall be notified of the hearing. The board shall mail these notices not less than 20 days prior to the date set for the hearing. The wetlands board shall also cause notice of the hearing to be published at least once a week for two weeks prior to such hearing in a newspaper of general circulation in this county. The published notice shall specify the place or places within the county where copies of the application may be examined. The costs of such publication shall be paid by the applicant.

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(b) The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Any person may testify at the public hearing. Each witness at the hearing may submit a concise written statement of his testimony. The board shall make a record of the proceeding, which shall include the application, any written statements of witnesses, a summary of statements of all witnesses, the findings and decision of the board~~,~~ and the rationale for the decision.

(c) The board shall make its determination within 30 days of the hearing. If the board fails to act within that time, the application shall be deemed approved. Within 48 hours of its determination, the board shall notify the applicant and the Commissioner of its determination. If the board fails to make a determination within the 30-day period, it shall notify the applicant and the Commission that the application is deemed approved. For purposes of this section, "act" means taking a vote on the application. If the application receives less than four affirmative votes from a seven-member board or less than three affirmative votes from a five-member board, the permit shall be denied.

(d) If the board's decision is reviewed or appealed, the board shall transmit the record of its hearing to the Commissioner. Upon a final determination by the Commission, the record shall be returned to the board. The record shall be open for public inspection at the engineering and resource protection division office of this county.

Sec. 22-11. Permit to be in writing.

The permit shall be in writing, signed by the chairman of the board or his authorized representative, and notarized. A copy of the permit shall be transmitted to the Commissioner.

Sec. 22-13. No effect on applicable zoning and land use ordinances.

No permit granted by a wetlands board shall affect in any way the applicable zoning and land use ordinances of this county or the right of any person to seek compensation for any injury in fact incurred by him because of the proposed activity.

AGENDA ITEM NO. H.2.

ITEM SUMMARY

DATE: 3/13/2018

TO: The Board of Supervisors

FROM: Savannah Pietrowski, Senior Planner

SUBJECT: SUP-0014-2017. Yard Works SUP Amendment

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Resolution	Resolution
🗋	Location Map	Backup Material
🗋	Master Plan, dated January 23, 2018	Backup Material
🗋	Unapproved Minutes of the February 7, 2018, Planning Commission meeting	Backup Material
🗋	SUP-0015-1993 Master Plan	Backup Material
🗋	SUP-0015-1993 SUP Conditions	Backup Material
🗋	Project Narrative provided by the Applicant	Backup Material
🗋	Photos of the Operation	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	2/23/2018 - 3:51 PM
Development Management	Holt, Paul	Approved	2/23/2018 - 3:51 PM
Publication Management	Burcham, Nan	Approved	2/23/2018 - 4:06 PM
Legal Review	Kinsman, Adam	Approved	2/26/2018 - 11:50 AM
Board Secretary	Fellows, Teresa	Approved	3/5/2018 - 11:27 AM
Board Secretary	Purse, Jason	Approved	3/6/2018 - 1:55 PM
Board Secretary	Fellows, Teresa	Approved	3/6/2018 - 2:01 PM

SPECIAL USE PERMIT-0014-2017. Yard Works SUP Amendment

Staff Report for the March 13, 2018, Board of Supervisors Public Hearing

SUMMARY FACTS

Applicant:	Mr. Kevin Martin, Yard Works LLC
Land Owners:	Williamsburg-Jamestown Airport, Short Neck LLC, Marclay LLC, Mr. Larry Waltrip and Mr. Dudley Waltrip
Proposal:	A request to amend and replace Case No. SUP-0015-1993, which was approved by the Board of Supervisors on June 7, 1993. The SUP Amendment would allow for the manufacture and sale of wood products.
Locations:	3, 10, 20 and 100 Marclay Road, 164 Waltrip Lane and one additional property with no assigned address.
Tax Map/Parcel Nos.:	4820100004, 4820100004A, 4820100012, 4820100005A, 4820100005C and 4820100006
Project Acreage:	+/- 49.9 acres
Zoning:	Addresses 100 Marclay Road and 20 Marclay Road are zoned both R-8, Rural Residential and R-8AA, Rural Residential Airport Approach Overlay District. Addresses 3 Marclay Road and 10 Marclay Road are zoned R-8AA, Rural Residential Airport Approach Overlay District. Address 164 Waltrip Lane and the unaddressed parcel are zoned R-8, Rural Residential.
Comprehensive Plan:	Airport and Low Density Residential
Primary Service Area:	Inside
Staff Contact:	Savannah Pietrowski, Senior Planner

PUBLIC HEARING DATES

Planning Commission:	February 7, 2018, 7:00 p.m.
Board of Supervisors:	March 13, 2018, 5:00 p.m.

FACTORS FAVORABLE

1. With the proposed conditions, the proposal is compatible with surrounding zoning and development.

2. The proposal is consistent with the recommendations of the Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way.*"

3. The proposal would bring an existing operation into conformance with the Zoning Ordinance.

FACTORS UNFAVORABLE

With the proposed Special Use Permit (SUP) conditions, staff finds that there are no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Staff recommends approval of this application, subject to the conditions listed in the attached Resolution.

PLANNING COMMISSION RECOMMENDATION

At its February 7, 2018 meeting, the Planning Commission recommended approval of this application by a vote of 5-0 (Mr. Polster absent).

Proposed Changes Made Since the Planning Commission Meeting

No proposed changes.

PROJECT DESCRIPTION

Mr. Kevin Martin has applied on behalf of Yard Works LLC, to amend the existing SUP on the property for the manufacture and sale of wood products.

The existing SUP, obtained by Mr. Larry Waltrip in 1993, permits the manufacture and sale of wood products on approximately 105 acres, with a tub grinder located on the 19 acres associated with Tax Map Parcel No. 4820100005C.

Yard Works LLC, has now taken over operation of the facility. As part of this transition, Yard Works LLC, has requested this SUP amendment in order to reflect the current boundaries of the operation on the master plan and allow the operation of grinding equipment in additional areas.

These revisions to the master plan remove the Williamsburg-Jamestown Airport from the SUP boundaries and decrease the total SUP acreage to approximately 49.9 acres.

Yard Works' wood manufacturing operation involves grinding wood debris and products to produce, color and bag mulch. All of these materials will be stored on site throughout the process. The proposed master plan designates areas for each of these activities, as well as a small portion of the property to be set aside for the retail sale of these products. The applicant has indicated that mulch has historically been ground on-site an average of 150 days per year.

Should this proposed SUP Amendment not be approved, staff notes that the applicant would remain permitted to operate in accordance with the existing SUP.

PLANNING AND ZONING HISTORY

- On June 7, 1993, the Board of Supervisors approved SUP-0015-1993 for the manufacture and sale of wood products on approximately 105 acres.

- On July 7, 1993, the Development Review Committee approved a site plan showing the location of the tub grinder on Tax Map Parcel No. 4820100005C. While Yard Works does not use a tub grinder, as noted above, the heavy wood grinding will still take place on this property.

SURROUNDING ZONING AND DEVELOPMENT

- The properties are adjacent to the Williamsburg-Jamestown Airport.

- Surrounding Zoning Districts include:

    - R-5 to the north/north east (Williamsburg Landing)

    - R-8 and R-1 to the south (single-family dwellings)

    - R-8 to the east (Williamsburg-Jamestown Airport)

    - R-2 to the west (single-family dwellings)

COMPREHENSIVE PLAN

- Addresses 3, 10, 20 and 100 Marclay Road and 164 Waltrip Lane are designated Airport on the 2035 Comprehensive Plan Land Use Map.

- Principal suggested uses for the Airport areas include aviation, with airport related commercial and office development as clearly secondary uses. Land which is currently in use as a construction landfill and mulching operation may continue in its current or a similar use, in a limited manner consistent with state and local permits.

- Tax Map Parcel No. 4820100006 is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map.

- Principal suggested uses for Low Density Residential areas include single-family and multifamily units, accessory units, cluster housing and recreation areas.

- Staff finds that this proposal is consistent with the Comprehensive Plan as a secondary use. Given the proposed boundaries of the SUP in relation to the Williamsburg-Jamestown Airport, use of the site for the principal suggested uses would not be precluded.

- While one property is designated Low Density Residential, the proposed boundary of the SUP would only include the existing access road. Staff finds that the exclusion of the remainder of this property provides a transition from the wood processing operation to the adjacent residential area.

- Surrounding Comprehensive Plan designations include:

    - Airport to the east (Williamsburg-Jamestown Airport)
    - Low Density Residential to the north, south and west (Williamsburg Landing and single-family dwellings)

PUBLIC IMPACTS

1. Anticipated Impact on Public Facilities and Services:

    a. *Streets*. The project is accessed via the Marclay Road public right-of-way. A condition has been proposed requiring an operation mitigation plan, which would include provisions for monitoring of Marclay Road for necessary cleaning of mud associated with the operation.

    b. *Schools/Fire/Utilities*. No impacts anticipated. There is a small existing office, which is connected to public water and sewer. This application has been reviewed by the Fire Department. Upon its recommendation, draft conditions have been included regarding stockpile size and fire safety requirements.

2. Environmental: There is a small amount of Resource Protection Area (RPA) located within the area of the existing SUP. While this amendment does not propose to remove this area from the SUP boundary, a condition has been proposed requiring the delineation of wetlands on the property and prohibiting any expansion into the RPA.

3. Cultural/Historical: As these properties have been used for the manufacture of wood products since the 1980's, as well as a landfill which has now ceased operation, staff finds that there would be minimal ability to locate or preserve any cultural and/or historic resources.

4. Nearby and Surrounding Properties:

   a. *Visual Impacts*: There is an existing 50-foot buffer around the perimeter of Tax Map Parcel No. 4820100005C. A 50-foot buffer has also been proposed on Tax Map Parcel No. 4820100004A in order to minimize visual impacts to the existing residences on Lake Powell Road. Staff notes that the operation is fairly visible while driving on Marclay Road. However, the only destination past the facility is the Williamsburg-Jamestown Airport.

   b. *Auditory Impacts*: Staff conducted a sound test of the horizontal grinder used for grinding mulch on January 26, 2018, taking decibel readings from the grinding site and several surrounding locations, including the intersection of Marclay Road and Lake Powell Road, the closest residence in Williamsburg Landing, the closest residence to the south and the airport. No noise associated with the grinding was audible from any of these locations. However, beeping from vehicles backing up was minimally audible from these locations.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with the surrounding development and consistent with the Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way*" and the Zoning Ordinance. Staff recommends approval of this application, subject to the conditions listed in the Resolution.

SP/nb
SUP14-17YarkWksAmnd

Attachments:
1. Resolution
2. Location Map
3. Master Plan, dated January 23, 2018
4. Unapproved Minutes of the February 7, 2018, Planning Commission meeting
5. SUP-0015-1993 Master Plan
6. SUP-0015-1993 SUP Conditions
7. Project Narrative provided by the Applicant
8. Photos of Operation

R E S O L U T I O N

CASE NO. SUP-0014-2017. YARD WORKS SPECIAL USE PERMIT AMENDMENT

WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board") has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Marclay LLC, Larry T. Waltrip, Dudley S. Waltrip, Short Neck LLC and Williamsburg-Jamestown Airport, Inc. (collectively, the "Owners") own property located at 3, 10, 20 and 100 Marclay Road, 164 Waltrip Lane and one additional property with no assigned address, which are further identified as James City County Real Estate Tax Map Parcel Nos. 4820100004, 4820100004A, 4820100012, 4820100005A, 4820100005C and 4820100006, respectively (collectively, the "Property"); and

WHEREAS, on June 7, 1993, the Board approved SUP-0015-1993, which permitted the manufacture and sale of wood and wood products on the parcel located at 100 Marclay Road, further identified as James City County Real Estate Tax Map Parcel No. 4820100005A; and

WHEREAS, Mr. Kevin Martin (the "Applicant") has applied on behalf of the Owners to amend SUP-0015-1993 to permit the manufacture and sale of wood products on the Property, as shown on the exhibit titled "SUP-0014-2017, Yard Works SUP Amendment Master Plan" dated January 23, 2018 (the "Master Plan"); and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-0014-2017; and

WHEREAS, the Planning Commission, following its public hearing on February 7, 2018, recommended approval of this application by a vote of 5-0 (Polster absent).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-0014-2017 as described herein with the following conditions:

1. *Master Plan and Use:* This SUP shall be valid for the operation of a +/- 49.90 acre facility for the manufacture and sale of wood products and accessory uses (the "Project") on properties located at 3, 10, 20 and 100 Marclay Road, 164 Waltrip Lane and one additional property with no assigned address, which are further identified as James City County Real Estate Tax Map Parcel Nos. 4820100004, 4820100004A, 4820100012, 4820100005A, 4820100005C and 4820100006, respectively (collectively, the "Property"). The Project shall be in accordance with the master plan titled "SUP-0014-2017, Yard Works SUP Amendment Master Plan" dated January 23, 2018 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

2. *Project Activities:* All activities on-site shall be in accordance with the designations on the Master Plan. The "Grinding and Storage" area shall be used for the initial grinding of large wood debris using equipment such as a tub grinder or horizontal grinder. The "Processing" area shall be used for the secondary grinding of wood debris, using equipment such as a horizontal grinder and the coloring of mulch. The "Bagging and Storage" area shall be used for the storage of mulch, topsoil and equipment, and for the bagging of products produced onsite. The "Retail" area shall be used for sales to the general public, as more specifically defined in SUP Condition No. 5 below and shall contain all customer parking.

3. *Hours of Operation*: Hours of operations for the wood grinding equipment shall be limited from 7 a.m. to 7 p.m., Monday through Saturday.

4. *Future Expansion*: Any future expansion of the Project outside of the areas delineated on the Master Plan shall require an amendment to this SUP.

5. *Retail Sales:* The accessory retail sales area may be used for the sale of mulch and other ground cover materials, including materials such as stone, gravel and sand. The area used for the sale of ground cover materials other than mulch shall be limited to 10,000 square feet and piles shall not exceed eight feet in height.

6. *Material Storage:* All storage of wood products shall comply with the following requirements:

    a. Piles shall be on solid ground or other all-weather surface.
    b. Piles shall not exceed 25 feet in height, 150 feet in width and 250 feet in length.
    c. Piles shall be separated from adjacent piles by at least 50 feet.

7. *Fire Safety:* The Project shall comply with the following requirements:

    a. The accumulation of combustible waste and vegetation shall be in accordance with Chapter 3 of the Statewide Fire Prevention Code (SFPC).
    b. Portable fire extinguishers complying with Section 906 of the SFPC and with a minimum rating of 4-A:60-B:C shall be provided on all vehicles operating on piles and at all processing equipment.
    c. Prior to final site plan approval, the owner or operator shall develop and submit for approval of the Fire Official a plan for monitoring, controlling and extinguishing spot fires.

8. *Buffers:* A buffer 50 feet in width shall be provided on portion of James City County Real Estate Tax Map Parcel Nos. 4820100004A and 4820100005C, as shown on the Master Plan. Existing trees in the buffer areas shall be retained and any open areas shall be supplemented with additional plantings meeting the requirements of Section 24-96 of the Zoning Ordinance, as amended. The landscaping plan shall be shown as part of the site plan and shall be reviewed and approved by the Director of Planning or his designee. The landscaping shown on the approved landscape plan shall be installed within 12 months of the final site plan approval.

9. *Lighting*: A lighting plan shall be reviewed and approved by the Director of Planning or his designee prior to final approval of the site plan. Any exterior site or building lighting shall be shielded and directed downward. No glare (*defined as 0.1 foot-candle or higher*) shall extend outside the Property. Lights shall be operated by a motion detector or be able to be turned on as needed and shall not be routinely illuminated at night. No lighting shall be installed on structures at a height greater than 20 feet above finished grade. This condition shall not apply to any lighting required by federal or state regulations.

10. *Operations Mitigation Plan:* A construction mitigation plan shall be reviewed and approved by the Director of Planning or his designee prior to final site plan approval. The plan shall address:

    a. Dust mitigation, such as water trucks, mulch or similar methods.
    b. Noise mitigation, such as the enforcement of hours of operation.
    c. Road monitoring of Marclay Road, to include cleaning roadways of mud tracked onto Marclay Road from traffic associated with the Project.

11. *Junk Removal:* All junk, as determined by the Zoning Administrator, shall be removed from the Property. "Junk" shall mean, but not be limited to, old or scrap concrete, wire, rebar, copper, brass, rope, rags, batteries, paper, trash, rubber, waste or junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other ferrous or nonferrous materials. The Zoning Administrator shall verify in writing that all junk has been properly removed from the Property prior to final site plan approval.

12. *Material Decomposition*: The use of chemicals to aid in the decomposition of material shall be prohibited. No materials shall be burned on the Property.

13. *Stormwater Management:* Prior to final site plan approval, information regarding the functionality of any existing stormwater management facilities utilized by the Project shall be submitted to the Director of Stormwater and Resource Protection Division for review. This information shall include any existing as-built reports and/or maintenance agreements. If it is determined that the facilities are not functioning properly, proper maintenance, repairs and/or upgrades as determined by the Director of Stormwater and Resource Protection may be required and the owner shall enter into a new maintenance agreement with the County.

14. *Resource Protection Area:* The location of any Resource Protection Area (RPA), RPA buffer, steep slope (*i.e., slopes greater than 25% in grade*) and/or wetland shall be identified and indicated on any site plan or development plan that is submitted to James City County for approval. No parking, storage of equipment and/or vehicles, and/or additional soil disturbance associated with the Project shall occur within 15 feet of an RPA buffer. Identification of these areas must be approved by the James City County Stormwater and Resource Protection Division prior to the issuance of preliminary site plan approval.

15. *Entrances:* Access to the Project shall be from Marclay Road.

16. *Spill Prevention*: Prior to preliminary site plan approval, an operational phase stormwater pollution prevention plan/spill prevention and control plan to address the outdoor vehicle and material storage, including but not limited to oil, diesel and gasoline, shall be reviewed and approved by the Director of Stormwater and Resource Protection and the Fire Official prior to preliminary site plan approval.

17. *Conservation Easement:* Prior to final site plan approval, a conservation easement of approximately 9.54 acres, identified on the drawing titled "Waltrip Recycling Site Plan" dated May 28, 1993, shall be dedicated to James City County or another County-approved land conservation entity. The easement shall be substantially in the form of the County's natural open space easement as approved by the County Attorney. Alternative locations may be approved by the Director of the Stormwater and Resource Protection Division or his designee. The exact boundaries of the conservation easement shall be shown on the site plan for the Project.

18. *Site Plan:* A site plan shall be required for the Project. Final site plan approval must be obtained within 24 months of issuance of this SUP or the SUP shall become void.

19. *Severance Clause:* This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

BE IT FURTHER RESOLVED that SUP-0014-2017 shall amend, replace and supersede SUP-0015-1993 and SUP-0015-1993 shall no longer have any force or effect.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of March, 2018.

SUP14-17YrdWksAmd-res

JCC-SUP-0014-2017, Yard Works SUP Amendment

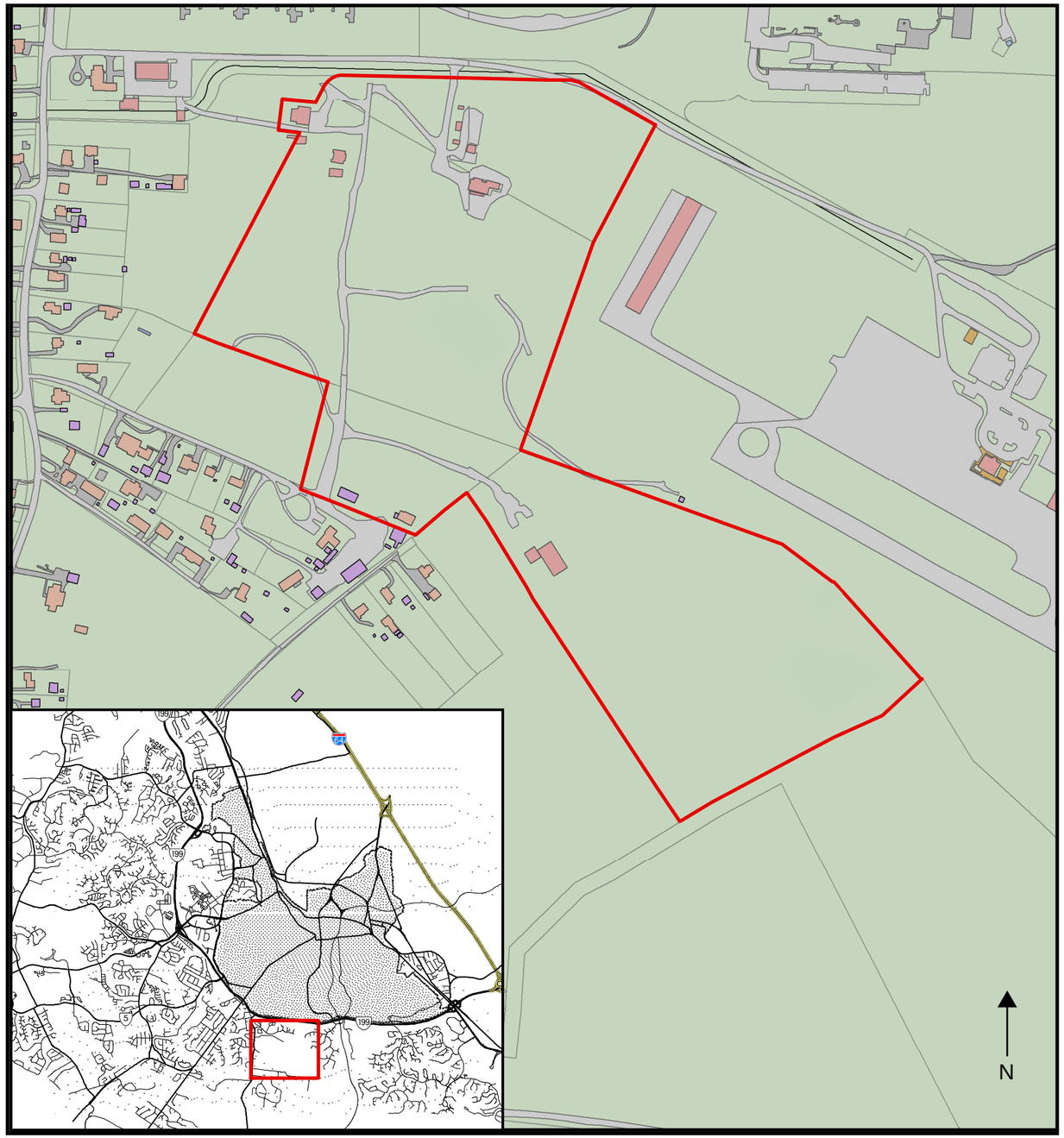
SUP-0014-2017, Yard Works SUP Amendment

This is an amendment to
JCC Case No. SUP-0015-1993.

Total SUP area following
amendment: +/- 49.90 acres.

Sheet Index

1. Cover Page
2. Existing SUP
3. SUP Boundary Changes
4. Proposed SUP



Maps Not To Scale

Properties

4820100005A
Address: 100 Marclay Road
Owner: Williamsburg-Jamestown Airport
Zoning: R-8, Rural Residential,
w/ portions Airport Approach Overlay
Comprehensive Plan: Airport

4820100012
Address: 20 Marclay Road
Owner: Short Neck LLC
Zoning: R-8, Rural Residential
w/ portions Airport Approach Overlay
Comprehensive Plan: Airport

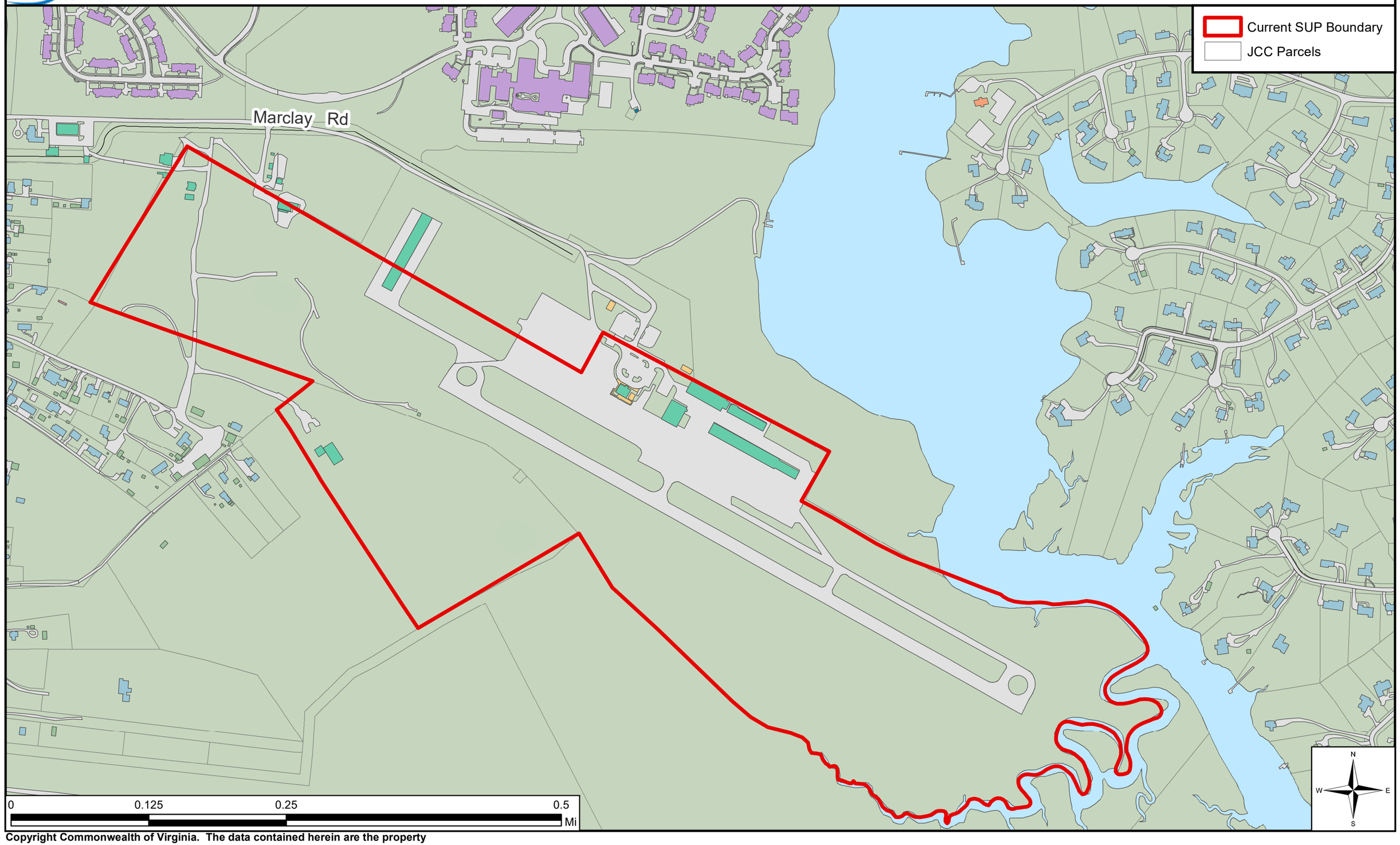
4820100004A
Address: 10 Marclay Road
Owner: Waltrip, Larry T & Waltrip, Dudley S
Zoning: R-8, Rural Residential,
w/ Airport Approach Overlay
Comprehensive Plan: Airport

4820100004
Address: 3 Marclay Road
Owner: Marclay LLC
Zoning: R-8, Rural Residential,
w/ Airport Approach Overlay
Comprehensive Plan: Airport

4820100005C
Address: 164 Waltrip Lane
Owner: Waltrip, Larry T
Zoning: R-8, Rural Residential
Comprehensive Plan: Airport

4820100006
Address: (no address assigned)
Owner: Waltrip, Larry & Waltrip, Dudley S
Zoning: R-8, Rural Residential
Comprehensive Plan: Low Density Residential

Existing SUP-0015-1993, Waltrip Recycling



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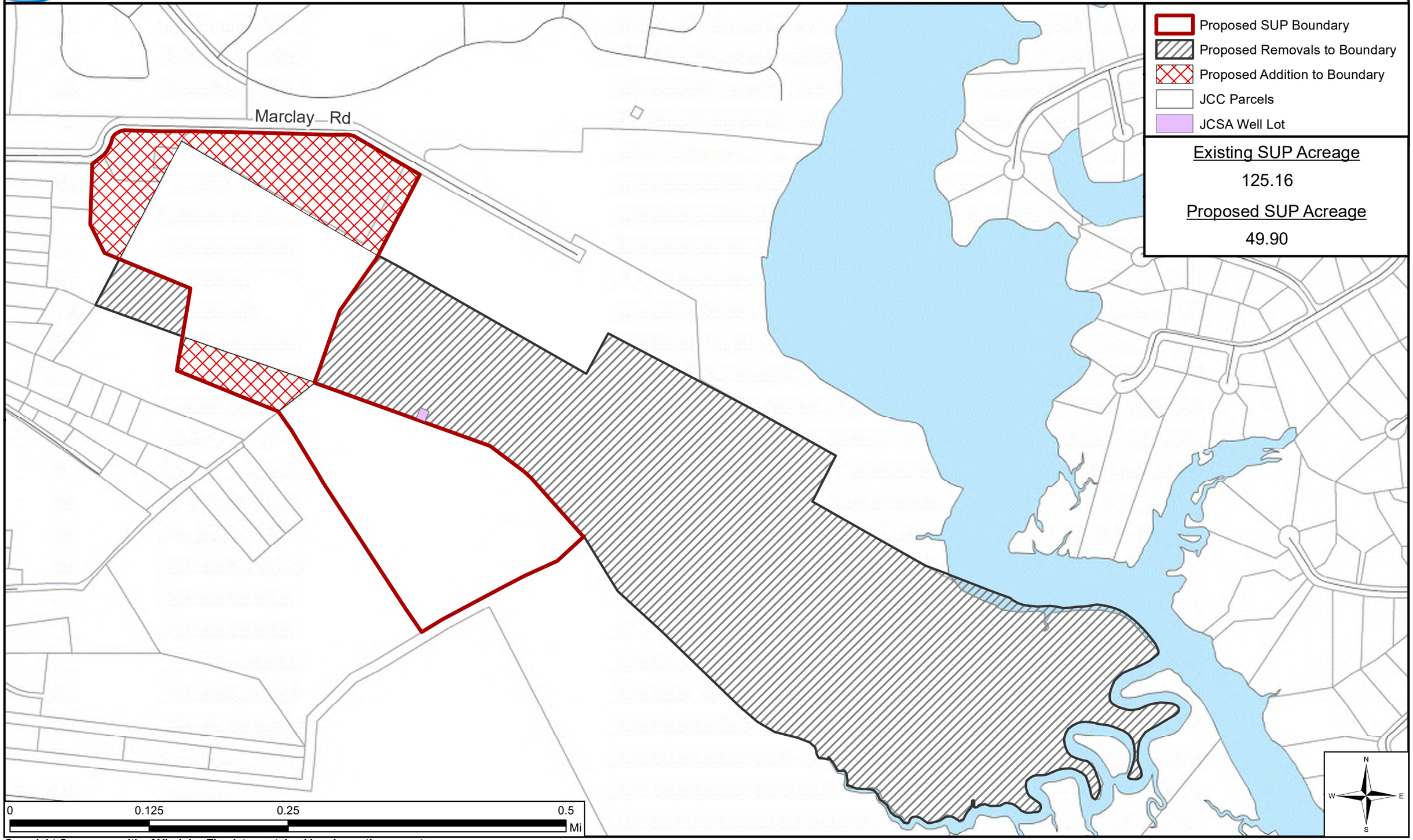
SUP-0014-2017, Yard Works SUP Amendment



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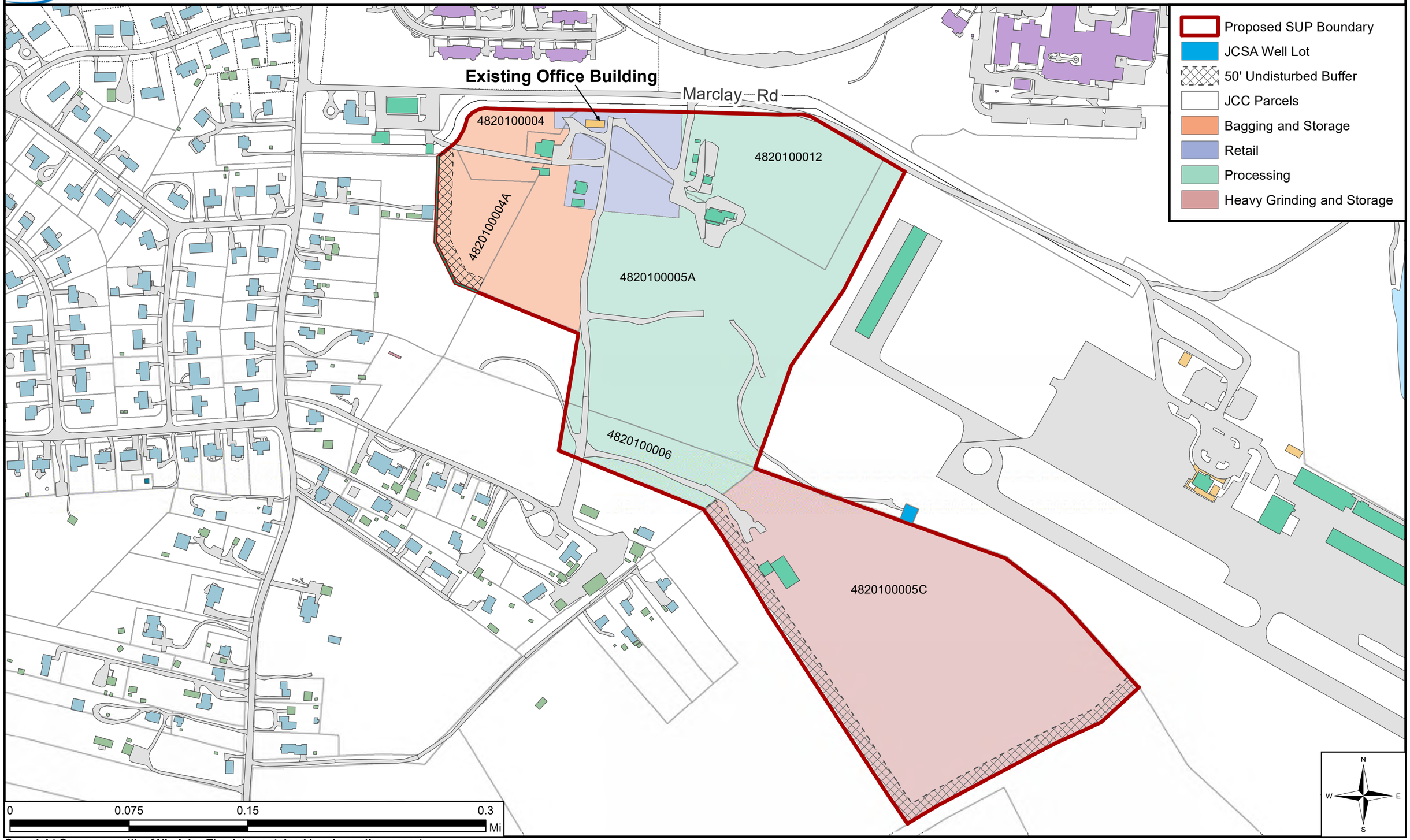
SUP-0014-2017, Yard Works SUP Amendment



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Unapproved Minutes of the February 7, 2018
Planning Commission Meeting

SUP-0014-2017, Yard Works SUP Amendment

Ms. Savannah Pietrowski stated that Mr. Kevin Martin has applied on behalf of Yard Works LLC for an amendment to an existing Special Use Permit (SUP) for the manufacture and sale of wood products on properties located at 3, 10, 20 and 100 Marclay Road, 164 Waltrip Lane and one additional adjacent property with no assigned address. Ms. Pietrowski stated that the operation involves grinding wood debris to produce, color and bag mulch, with a small portion of the property being used for retail sales. Ms. Pietrowski stated that the existing SUP, obtained by Mr. Larry Waltrip in 1993, permits the operation on approximately 105 acres, with a tub grinder located on 164 Waltrip Lane.

Ms. Pietrowski further stated that Yard Works LLC has taken over operation of the site and as part of this transition has requested this SUP amendment in order to reflect the current boundaries of the operation on the master plan and to allow the operation of grinding equipment in additional areas.

Ms. Pietrowski stated that the proposed amendment would remove the Williamsburg-Jamestown Airport from the SUP boundaries and decrease the total SUP acreage to approximately 49.9 acres. Ms. Pietrowski noted that that should this SUP amendment not be approved, the existing SUP would remain valid, and the operation could continue on the 105 acres permitted by that SUP.

Ms. Pietrowski stated that staff conducted a sound test for the project in and that no noise associated with the grinding was audible from any adjacent properties visited by staff; however, beeping from vehicles was minimally audible from some locations. Ms. Pietrowski with the proposed SUP condition limiting hours of operation, there should be only minor noise impacts to adjacent properties.

Ms. Pietrowski stated that the properties are zoned R-8, Rural Residential, with portions of the site also zoned Airport Approach. Ms. Pietrowski further stated that the majority of the site is designated Airport on the 2035 Comprehensive Plan Land Use Map, with a small area designated Low Density Residential. Ms. Pietrowski stated that the principal suggested uses for areas designated Airport include aviation, with airport related commercial and office development as secondary uses. Ms. Pietrowski further stated that land which is currently in use as a construction landfill and mulching operation may continue in its current or a similar use, in a limited manner consistent with state and local permits.

Ms. Pietrowski stated that staff finds the proposal to be consistent with the Comprehensive Plan, the Zoning Ordinance, and surrounding development, and recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the conditions listed in the staff report.

Mr. Krapf opened the floor for questions from the Commission.

Mr. Richardson inquired about the noise analysis.

Using the location map, Ms. Pietrowski indicated the locations where the noise level was monitored and stated that at the noise from the grinders was minimal near the residential areas. Ms. Pietrowski noted that the more noticeable noise was beeping from vehicles, which also was minimal.

Mr. Krapf called for disclosures from the Commission.

There were no disclosures.

Mr. Krapf opened the Public Hearing.

Mr. Jeffrey Scott Mayo, Yard Works, LLC, stated that Yard Works, LLC was agreeable to all the proposed conditions and was eager to be a part of the community.

As no one else wished to speak, Mr. Krapf closed the Public Hearing.

Mr. Krapf opened the floor for discussion by the Commission.

Mr. Schmidt stated that as an adjacent property owner he has never noticed any impacts from the business operations. Mr. Schmidt stated that he would support the application.

Mr. Schmidt made a motion to recommend approval of the SUP amendment subject to the proposed conditions.

On a roll call vote, the Commission voted to recommend approval of SUP-0014-2017, Yard Works SUP Amendment (5-0)

OWNER'S CONSENT & DEDICATION

THIS PROPERTY LINE ADJUSTMENT & LOT LINE EXTINGUISHMENT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS.

BY Ethel P. Waltrip Florence W. Scott

BY Florence W. Waltrip BY _____

STATE OF VIRGINIA

I, Donnie M. Lewis, A NOTARY PUBLIC FOR THE Counties OF James City DO CERTIFY THAT THE PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY AND STATE AFORESAID.

GIVEN UNDER MY HAND THIS 6th DAY OF April, 1988.

SIGNATURE (NOTARY) Donnie M. Lewis

MY COMMISSION EXPIRES April 5, 1991.

CLERK'S CERTIFICATE
STATE OF VIRGINIA,

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF THE 1st DAY OF August, 19 88, THIS MAP WAS PRESENTED AND ADMITTED TO THE RECORD AS THE LAW DIRECTS.

TESTE: Alice Sheard, CLERK.

PLAT BOOK: 49, PAGE: 24.

CERTIFICATE OF APPROVAL

THIS PROPERTY LINE ADJUSTMENT & LOT LINE EXTINGUISHMENT IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE COMMITTED TO RECORD.

DATE 8/1/88 5/2/88 AGENT OF GOVERNING BODY

SURVEYOR'S STATEMENT

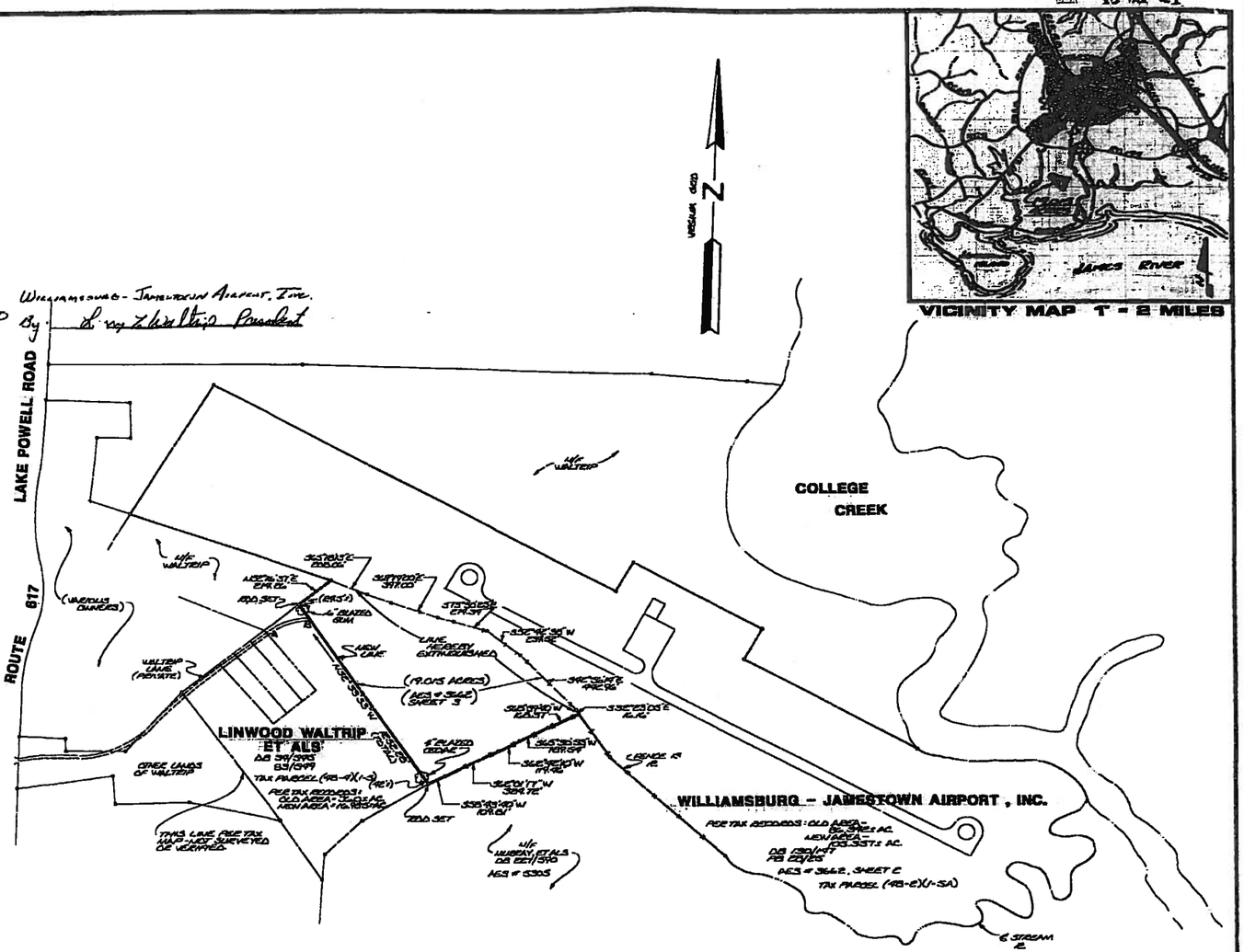
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY HAVE BEEN COMPLIED WITH.

GIVEN UNDER MY HAND THIS 17th DAY OF February, 1988.

BY: Paul C. Small

SOURCE OF TITLE

TITLE TO THE PROPERTY SHOWN HEREON IS VESTED IN LINWOOD WALTRIP, ET ALS, PER DB 52 / 549 & WILLIAMSBURG - JAMESTOWN AIRPORT, INC. PER DB 130 / 147



VICINITY MAP 1" = 2 MILES

Sup-15-93

AES a professional corporation
1761 Jamestown Road, Williamsburg, Va. 23185
804-253-0040
Engineering, Planning, Surveying

PLAT OF BOUNDARY ADJUSTMENT BETWEEN THE PROPERTIES OF LINWOOD WALTRIP, ET ALS; AND WILLIAMSBURG - JAMESTOWN AIRPORT, INC.

JAMES CITY COUNTY VIRGINIA

COMMONWEALTH OF VIRGINIA
PAUL C. SMALL
No. 1247
LAND SURVEYOR

No.	DATE	REVISION / COMMENT / NOTE	BY
		3:42 p.m. Recorded 1st day of August 1988 in B.B. No. 421 Pages 420 Clerk	

Designed	Drawn GSW
Scale 1" = 400'	Date 2/16/88
Project No. 7050	
Drawing No. PLAT	

PB 49 PG. 24

RESOLUTION

CASE NO. SUP-15-93. MR. LARRY T. AND MS. JEAN T. WALTRIP - TUB GRINDER

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 11, 1993, unanimously recommended approval of Case No. SUP-15-93 to allow the manufacture and sale of wood products in the R-8, Rural Residential district, on property identified as Parcel (1-5A) on James City County Real Estate Tax Map No. (48-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-15-93 as described herein with the following conditions:

1. The tub grinder shall be permitted to operate only between 7:00 a.m. and 7:00 p.m. Monday through Saturday.

2. Berms, a minimum of 6 feet in height, shall be placed between the tub grinder and the southeast and southwest boundaries of the 19-acre site as shown on a plan entitled "Plat of Boundary Adjustment Between the Properties of: Linwood Waltrip, et als; and Williamsburg-Jamestown Airport" prepared by AES and dated February 16, 1988. If the grinder is placed in the lower elevations on the property in an area where a berm-like effect (at least 6 feet below the grade of the property lines) is prevalent, as determined by the Development Review Committee, the requirement for a berm may be waived. The berms shall be landscaped at a minimum, in accordance with the provisions of the minimum planting standards set forth in the Zoning Ordinance, and placement and landscaping of such berms shall be approved by the Development Review Committee.

3. This special use permit shall remain in effect for a period of 24 months from the date of issuance. If within this time site plan approval and/or building plan approvals are issued, the special use permit shall remain in effect for the term of those approvals and/or permits. Issuance of a Certificate of Occupancy would preserve the rights of the special use permit.

4. A minimum 50-foot undisturbed buffer shall be provided along the southeast and southwest boundaries of the 19-acre site as shown on a plan entitled "Plat of Boundary Adjustment Between the Properties of: Linwood Waltrip, et als; and Williamsburg-Jamestown Airport" prepared by AES and dated February 16, 1988. The buffer shall be landscaped at a minimum, in accordance with the landscaping requirements of the Zoning Ordinance, and such landscaping shall be approved by the Development Review Committee.

5. All access to the operation from Lake Powell Road shall be via Marclay Road.

6. The location of the tub grinder shall be limited to the 19.015 acres shown on a plan entitled "Plat of Boundary Adjustment Between the Properties of: Linwood Waltrip, et als; and Williamsburg-Jamestown Airport" prepared by AES and dated February 16, 1988. The tub grinder shall be located so as to minimize potential adverse impacts (including, but not limited to, noise, dust, debris, odor, etc.) on adjacent properties and the final location of the tub grinder shall be approved by the Development Review Committee.

Judith N. Knudson
Chairman, Board of Supervisors

SUPERVISOR	VOTE
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

ATTEST:

David B. Norman
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 7th day of June, 1993.

SUP1593.res

Narrative description of Yard Works facility

The 49.9+/- acres subject to the Special Use Permit Amendment application (the "Property") will be used as a light manufacturing and sales center to remove and recycle waste material from the waste stream as defined by Virginia law and for the storage and sale of materials.

The Property will be used to store for use or for sale in its original and/or reprocessed from the following materials:

Wood debris, including but not limited to land clearing debris in bulk and bag form

Dirt and topsoil

The processing of material will consist of grinding and processing of wood debris and products to produce mulch from bark or with color added to mulch as needed to meet specific customer requirements and the crushing and grinding concrete and stone debris. Historically, the applicant has ground mulch an average of 150 days a year. No new land disturbance will be associated with this specially permitted use.

In addition, the Property will be used for the storage and maintenance of equipment and vehicles, including equipment necessary for reprocessing materials brought to the Facility. The stockpiles of material are stored at the Property pending processing, sale and/or delivery to customers or use by the applicant will be maintained at a height of no more than 35 feet and may be maintained at or relocated to various areas within the Property as operations require. Similarly, processing of material at the subject property may occur at various locations within the Property as circumstances may require however the storage and primary grinding of land clearing debris will be in the southeastern portion of the property farthest from adjacent residents. Mulch will be bagged in an existing building on the northwest side of the subject property, retail sales will be concentrated on the northern side of the property, and topsoil screening will take place on the northwest area where it currently exists. Stone, sand, and gravel will also be sold as accessory to our retail sale of mulch.

The subject property is currently base for operations of Yard Works LLC which has operated on the property since 2016 serving residential and well as commercial customers in the James City County and Williamsburg area. Yard Works, LLC is one of central Virginia's largest and most respected manufacturer and seller of landscape products.

The Property is located inside a larger parcel including the Jamestown Airport such that activity is screened from adjacent landowners by trees, berms, and distance. The applicant will always strive to have good relations with its neighbors and keep noise and dust to a minimum.

This SUP Amendment will provide an appropriate and productive use of the Property and fill a need in the community to recycle and beneficially reuse the waste material which could be brought to the property and put to good use instead of filling up the areas landfills. Approving the SUP Amendment allows the Property to continue to be put to a productive use and helps meet the goal of diverting from the waste stream materials that can be reprocessed and/or recycled and put to new use.

ON-SITE PHOTOS:

01/26/2018

01/26/2018

OFF-SITE VISIBILITY:

View from adjacent commercial building at 3 Marclay Road

View from Williamsburg-Jamestown Airport (zoomed)

AGENDA ITEM NO. I.1.

ITEM SUMMARY

DATE: 3/13/2018

TO: The Board of Supervisors

FROM: Mark Abbott, Operations Project Coordinator, General Services

SUBJECT: Contract Award - Fire Station 2 HVAC Replacement - $223,500

ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Capital Projects	Abbott, Mark	Approved	2/16/2018 - 2:15 PM
General Services	Boone, Grace	Approved	2/23/2018 - 4:44 PM
Publication Management	Burcham, Nan	Approved	2/23/2018 - 4:46 PM
Legal Review	Kinsman, Adam	Approved	2/26/2018 - 11:49 AM
Board Secretary	Mellen, Sue	Approved	3/5/2018 - 2:30 PM
Board Secretary	Purse, Jason	Approved	3/6/2018 - 1:52 PM
Board Secretary	Fellows, Teresa	Approved	3/6/2018 - 2:00 PM

M E M O R A N D U M

DATE: March 13, 2018

TO: The Board of Supervisors

FROM: Mark Abbott, Operations Project Coordinator, General Services

SUBJECT: Contract Award - Fire Station 2 HVAC Replacement - $223,500

Over the past decade, the Department of General Services has been incorporating Trane HVAC controls and equipment into County facilities. Standardization reduces equipment downtime, improves response time and customer service, because parts will be on-hand and interchangeable from facility to facility. In addition, troubleshooting and diagnosis of service issues requires less time. Standardization promotes safety because staff members can rely on their previous experience and training when servicing the equipment.

The Fire Station 2 HVAC upgrade includes the removal of two Lennox gas furnaces with two split system air conditioners on the day room side and four PTAC units on the bunk room side. The new Trane system will consist of four super high efficiency variable speed heat pumps for better dehumidification and system performance. The building control system will be completely upgraded to meet County IT standards. There are sufficient funds available in the project budget for the HVAC upgrade.

General Services, in consultation with the Purchasing Office, determined that Damuth Trane's proposal to replace and install the new systems at a proposed cost of $223,500 is reasonable in comparison to other current County HVAC replacements and current construction cost indices.

Staff recommends approval of the attached resolution authorizing the sole source purchase of installation services from Damuth Trane in the amount of $223,500 for the Fire Station 2 HVAC.

MA/nb
CA-Fire2HVAC

Attachment

R E S O L U T I O N

CONTRACT AWARD - FIRE STATION 2 HVAC REPLACEMENT - $223,500

WHEREAS, the James City County Department of General Services is standardizing HVAC building controls and equipment in County facilities to promote operational efficiency and safety; and

WHEREAS, the Fire Station 2 HVAC controls and equipment will be replaced; and

WHEREAS, it has been determined by General Services, in consultation with the Purchasing Office, that Damuth Trane is the only source practicably available to install the HVAC controls and equipment required; and

WHEREAS, Damuth Trane submitted a proposal to perform the required services, the proposed rates have been determined to be reasonable and adequate funds are available in the Capital Improvements budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of $223,500 to Damuth Trane and Trane Corporate for the Fire Station 2 controls and equipment.

_____
Ruth M. Larson
Chairman, Board of Supervisors

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of March, 2018.

CA-Fire2HVAC-res

AGENDA ITEM NO. I.2.

ITEM SUMMARY

DATE: 3/13/2018

TO: The Board of Supervisors

FROM: Mark Abbott, Operations Project Coordinator, General Services

SUBJECT: Contract Award-Fire Station 5 HVAC Replacement - $217,500

ATTACHMENTS:

	Description	Type
🗋	Memorandum	Cover Memo
🗋	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Capital Projects	Abbott, Mark	Approved	2/21/2018 - 11:11 AM
General Services	Boone, Grace	Approved	2/23/2018 - 4:45 PM
Publication Management	Burcham, Nan	Approved	2/23/2018 - 4:46 PM
Legal Review	Kinsman, Adam	Approved	2/26/2018 - 11:49 AM
Board Secretary	Mellen, Sue	Approved	3/5/2018 - 2:31 PM
Board Secretary	Purse, Jason	Approved	3/6/2018 - 1:52 PM
Board Secretary	Fellows, Teresa	Approved	3/6/2018 - 2:00 PM

M E M O R A N D U M

DATE: March 13, 2018

TO: The Board of Supervisors

FROM: Mark Abbott, Operations Project Coordinator, General Services

SUBJECT: Contract Award - Fire Station 5 HVAC Replacement - $217,500

Over the past decade, the Department of General Services has been incorporating Trane HVAC controls and equipment into County facilities. Standardization reduces equipment downtime, improves response time and customer service, because parts will be on-hand and interchangeable from facility to facility. In addition, troubleshooting and diagnosis of service issues requires less time. Standardization promotes safety because staff members can rely on their previous experience and training when servicing the equipment.

The Fire Station 5 HVAC upgrade includes the removal of four Carrier gas furnaces with four split system air conditioners. The new Trane system will consist of four super high efficiency variable speed heat pumps for better dehumidification and system performance. The building control system will be completely upgraded to meet County IT standards. There are sufficient funds available in the project budget for the HVAC upgrade.

General Services, in consultation with the Purchasing Office, determined that Damuth Trane's proposal to replace and install the new systems at a proposed cost of $217,500 is reasonable in comparison to other current County HVAC replacements and current construction cost indices.

Staff recommends approval of the attached resolution authorizing the sole source purchase of installation services from Damuth Trane in the amount of $217,500 for the Fire Station 5 HVAC.

MA/nb
CA-Fire5HVAC-mem

Attachment

R E S O L U T I O N

CONTRACT AWARD - FIRE STATION 5 HVAC REPLACEMENT - $217,500

WHEREAS, the James City County Department of General Services is standardizing HVAC building controls and equipment in County facilities to promote operational efficiency and safety; and

WHEREAS, the Fire Station 5 HVAC controls and equipment will be replaced; and

WHEREAS, it has been determined by General Services, in consultation with the Purchasing Office, that Damuth Trane is the only source practicably available to install the HVAC controls and equipment required; and

WHEREAS, Damuth Trane submitted a proposal to perform the required services, the proposed rates have been determined to be reasonable and adequate funds are available in the Capital Improvements budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of $217,500 to Damuth Trane and Trane Corporate for the Fire Station 5 controls and equipment.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

_____
Teresa J. Fellows
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of March, 2018.

CA-Fire5HVAC-res

AGENDA ITEM NO. I.3.

ITEM SUMMARY

DATE:	3/13/2018
TO:	The Board of Supervisors
FROM:	Patrick O. Teague, Human Resource Director
SUBJECT:	Addition of a Chapter 12, Conflict of Interest & Whistleblower Policy, to confirm the County follows the Virginia statute and outlines the process for individuals to file claims with the County alleging violations.

ATTACHMENTS:

	Description	Type
🗋	Chapter 12 Cover Memo	Cover Memo
🗋	Chapter 12 Resolution	Resolution
🗋	Chapter 12 New Policy	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Human Resources	Teague, Patrick	Approved	2/23/2018 - 9:04 AM
Publication Management	Burcham, Nan	Approved	2/23/2018 - 9:32 AM
Legal Review	Kinsman, Adam	Approved	2/23/2018 - 9:35 AM
Board Secretary	Fellows, Teresa	Approved	2/26/2018 - 9:44 AM
Board Secretary	Purse, Jason	Approved	3/6/2018 - 1:54 PM
Board Secretary	Fellows, Teresa	Approved	3/6/2018 - 2:00 PM

M E M O R A N D U M

DATE: March 13, 2018

TO: The Board of Supervisors

FROM: Patrick O. Teague, Director of Human Resources

SUBJECT: A New Chapter 12 Conflict of Interest & Whistleblower Added to the James City County Personnel Policies and Procedures Manual

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Staff proposes the creation of Chapter 12, titled Conflict of Interest & Whistleblower Policy in the James City County Personnel Policies and Procedures Manual to emphasize the importance of the Conflict of Interest Policy, add language related to Whistleblower protections and outline the process for filing claims of policy violation.

The new chapter outlines the process the County will follow in investigating claims of conflict of interest and specifies protections for those who report claims of conflict of interest.

A copy of the proposed changes is attached.

Staff recommends approval of the proposed changes.

POT/tlc
Ch12ConflictofInt-mem

Attachments

R E S O L U T I O N

ADDITION OF CHAPTER 12 OF THE JAMES CITY COUNTY

PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the James City County Personnel Policies and Procedures Manual is an important document that guides decisions; and

WHEREAS, it is the practice of the County to create policy to ensure staff understanding of legal requirements; and

WHEREAS, the current policy manual does not address the rights and responsibilities regarding laws for Conflict of Interest and Whistleblower protections; and

WHEREAS, staff recommends adoption of a Chapter 12, Conflict of Interest & Whistleblower Policy of the Personnel Policies and Procedures Manual to ensure James City County is compliant with the law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the revisions to the Personnel Policies and Procedures Manual listed above and set forth in the staff memorandum are adopted effective March 13, 2018.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

_____
Bill Porter
Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____
ICENHOUR	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of March, 2018.

Ch12ConflictofInt-res

CHAPTER 12

CONFLICT OF INTEREST & WHISTLEBLOWER POLICY

Section 12.1 Purpose

This policy is based upon the State and Local Government Conflict of Interest Act, Code of Virginia, Title 2.2, Chapter 31 and the Fraud and Abuse Whistle Blower Protection Act, Code of Virginia, Title 2.2, Chapter 30.1.

The policy is designed to help directors, members of Boards, Committees and Commissions, officers, volunteers and employees of James City County ("the County") identify situations that present potential conflicts of interest and to provide James City County with a procedure that, if observed, will allow a transaction or agreement to be treated as valid and binding even though a director, member of a Board, Committee or Commission, officer, volunteer or employee has or may have a conflict of interest with respect to the transaction or agreement. In the event there is an inconsistency between the requirements and procedures prescribed herein and those in federal or state law, the law shall control.

Section 12.2 Definitions

1. A "Conflict of Interest" is a personal interest in a contract or transaction considered by the County.

2. A "Contract" means any agreement to which the County is a party, or any agreement on behalf of the County that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the County.

3. A "Responsible Person" is any person serving as an officer, employee or member of the Board of Supervisors or any other Board, Committee, or Commission of the County.

4. An "Immediate Family Member" means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee as defined by; State and Local Government Conflict of Interest Act, Code of Virginia, Title 2.2, Chapter 31.

5. A "Personal Interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be

anticipated to exceed, $5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, $5,000 annually; (iv) ownership of real or personal property if the interest exceeds $5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

6. A "Transaction" is any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

Section 12.3 Prohibited Contracts and Conduct

For purposes of this policy, the following contracts and conduct are prohibited. Violations of the following shall be deemed an impermissible Conflict of Interest:

A. Contracts

- No person elected or appointed as a member of the County Board of Supervisors shall have a Personal Interest in any contract with the governing body.
- No other officer or employee of the County shall have a personal interest in a contract.

B. Conduct

No officer or employee of the County shall:

- Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid by the County;
- Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment or promotion of any person with any governmental or advisory agency;
- Offer or accept any money or other thing of value for or in consideration of the use of a public position to obtain a contract for any person or business with any governmental or advisory agency;

- Use for own economic benefit or that of another party confidential information that has been acquired by reason of their public position and which is not available to the public;
- Accept any money, loan, gift, favor, service or business or professional opportunity that reasonably tends to influence the performance of official duties;
- Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties; or use his public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law.

These prohibitions do not preclude the acceptance of items of nominal or insignificant value or entertainment of nominal or insignificant value that are not related to any particular transaction or activity of James City County.

Section 12.4. Conflict of Interest Procedures

Before County action on a Contract or Transaction involving a Conflict of Interest, a Responsible Person having a Conflict of Interest and who is in attendance at the meeting shall disclose all facts material to the Conflict of Interest. Such disclosure shall be reflected in the minutes of the meeting.

A Responsible Person who plans not to attend a meeting at which he or she has reason to believe that the Board or Committee will act on a matter in which the person has a Conflict of Interest shall disclose to the chair of the meeting all facts material to the Conflict of Interest. The chair shall report the disclosure at the meeting and the disclosure shall be reflected in the minutes of the meeting.

A Responsible Person who has a Conflict of Interest shall not participate in discussion of the matter except to disclose material facts and to respond to questions. Such person shall not attempt to exert his or her personal influence with respect to the matter, either during or outside the meeting.

A Responsible Person who has a Conflict of Interest with respect to a Contract or Transaction that will be voted on at a meeting shall not be counted in determining the presence of a quorum for purposes of the vote. The person having a conflict of interest may not vote on the Contract or Transaction.

Employees who have a Conflict of Interest with respect to a Contract or Transaction that is not the subject of Board or Committee action shall disclose to his or her supervisor any Conflict of Interest that such Responsible Person has with respect to an Agreement or Transaction. Such disclosure shall be made as soon as the Conflict of Interest is known to the Responsible Person.

The Responsible Person shall refrain from any action that may affect the County's participation in such Contract or Transaction.

A current or prospective employee who has accepted an employment offer with the County cannot maintain or accept paid employment outside of the County without an approved Outside Employment request. This request is reviewed to ensure there is no actual or perceived Conflict of Interest.

In the event it is not entirely clear that a Conflict of Interest exists, the Responsible Person with the potential conflict shall disclose the circumstances to the Board, Committee, or Commission Chair or the Chair's designee or to his or her supervisor, who shall determine whether there exists a Conflict of Interest that is subject to this policy.

Section 12.5 Confidentiality

Each Responsible Person shall exercise care not to disclose confidential information acquired in connection with his or her association with the County the disclosure of which might be adverse to the interests of the County. Furthermore, a Responsible Person shall not disclose or use information relating to the business of the County for the personal profit or advantage of the Responsible Person or an Immediate Family Member.

Section 12.6 Review of Policy

Each new Responsible Person shall be required to review this Policy and to acknowledge in writing that he or she has done so.

Each Responsible Person shall comply with the disclosure requirements of the State and Local Government Conflicts of Interest Act identifying any relationships, positions or circumstances in which the Responsible Person is involved that he or she believes could contribute to a Conflict of Interest arising. Such relationships, positions or circumstances might include service as a director of or consultant to a not-for-profit organization, or ownership of a business that might provide goods or services to the County. Each Responsible Person should also disclose any potential Conflict of Interest that may arise during the course of the year between the submissions of annual disclosure forms.

This policy shall be reviewed regularly. Any changes to the policy shall be communicated immediately to all Responsible Persons.

Section 12.7 Reporting a Violation of Law or Policy – Whistle Blower Protection

This policy provides a mechanism whereby, if an employee or volunteer becomes aware of a violation of policy or law, he or she can report a perceived violation made in good faith and upon reasonable belief without fear of retaliation.

Section 12.8 Objective

Elected officials, officers, employees, independent contractors or other public stakeholders shall have an open opportunity to bring to the attention of administration, allegations of wrongdoing or malfeasance on the part of elected officials, officers, employees, independent contractors or other public stakeholders associated with the County. This includes but is not limited to violations of law, gross waste of funds or property, or abuse or neglect of a fiduciary duty. These allegations will usually fall into the following categories:

- Commission of criminal offences.
- Instances of regulatory non-compliance.
- Issues of probity and propriety, e.g. fraud, theft, bribery, corruption and embezzlement.

Retaliation towards those who report such allegations will not be tolerated. Those who retaliate, interfere with investigations, or destroy or conceal evidence will be subject to immediate disciplinary actions. Employees who willfully file complaints based upon information known by the employee making the allegations to be false or misrepresented, will also be subject to disciplinary action.

The County shall appropriately notify employees of the protections and obligations afforded to them under the Fraud and Abuse Whistle Blower Protection Act.

Section 12.9 Procedures

The Director of Human Resources of the County, shall receive allegations pursuant to the provisions of this policy. Reports of alleged wrongdoing should be submitted in writing, and include a verifiable name, address and telephone number of the reporter. Reports or allegations submitted anonymously may or may not be investigated. The Director of Human Resources or his/her designee will conduct an investigation of the complaint. Referrals shall be made to the appropriate law enforcement agencies when there is reason to believe that a crime may have been committed.

Investigations will be conducted promptly and a written report with investigative findings and conclusions shall be sent to the County Administrator and the County Attorney for the County within 60 days of the

date on which the allegations were received. The County Administrator will take appropriate action on the report's recommendations.

An employee or applicant who believes that retaliation prohibited by this policy has occurred is encouraged to file a complaint with the Director of Human Resources within a reasonable time period from the date of the alleged retaliation. Each report of retaliation, if submitted within 60 days, will follow the same investigative policy as outlined above.

This policy is not to be substituted or used in place of the Code of Virginia or other County personnel policies and procedures for personnel matters other than those described above.

The Director of Human Resources, County Board of Supervisors and the County Administrator are encouraged to consult with the County Attorney's Office to resolve questions regarding the State and Local Government Conflict of Interest Act, Code of Virginia, Title 2.2, Chapter 31 and the Fraud and Abuse Whistle Blower Protection Act, Code of Virginia, Title 2.2, Chapter 30.1.

AGENDA ITEM NO. K.1.

ITEM SUMMARY

DATE: 3/13/2018

TO: The Board of Supervisors

FROM: William C. Porter, Interim County Administrator

SUBJECT: County Administrator's Report

ATTACHMENTS:

	Description	Type
	Memorandum	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/6/2018 - 4:23 PM

M E M O R A N D U M

DATE: March 13, 2018

TO: The Board of Supervisors

FROM: William C. Porter, Interim County Administrator

SUBJECT: County Administrator's Report

The following is a summary of activities that took place February 7, 2018 through March 6, 2018:

February 7, 2018 (Wednesday)

- Attended Hampton Roads Planning District Commission Chief of Administrative Officers meeting
- Met with Betsy Fowler, Library Director
- Met with Grace Boone, General Services Director

February 8, 2018 (Thursday)

- Attended Virginia Association of Counties Government Day

February 9, 2018 (Friday)

- Met with Paul Holt, Community Development Director
- Met with Brad Rinehimer, Police Chief
- Met with Doug Powell, JCSA General Manager
- Conference call with Tesla, electric charging station

February 10, 2018 (Saturday)

- Attended Free Black Settlement, Col. Lafayette Jones event at Freedom Park

February 12, 2018 (Monday)

- Met with Dominion, Nuclear Oversight Auditor Evaluation
- Met with Sue Mellen, FMS Director
- Met with Patrick Teague, HR Director

February 13, 2018 (Tuesday)

- Attended agenda meeting
- Met with John Carnifax, Parks & Recreation Director
- Met with Rebecca Vinroot, Social Services Director
- Met with Dr. William Mann, Director of Olde Towne Medical & Dental Center
- Met with Sue Mellen, FMS Director, Patrick Teague, HR Director and Jason Purse, Assistant County Administrator; update on Evergreen studies
- Met with Drew Lumpkin, Regional Director; Senator Warner's office
- Attended Board of Supervisors meeting

February 14, 2018 (Wednesday)

- Met with Jason Purse, Assistant County Administrator

February 15, 2018 (Thursday)

- Attended Hampton Roads Planning District Commission meeting, Hampton Roads Transportation Planning Organization meeting
- Attended ELT meeting
- Met with Ruth Larson, Board of Supervisors Chair, Jim Icenhour, Board of Supervisors Vice Chair, Adam Kinsman, County Attorney and Jason Purse, Assistant County Administrator

February 16, 2018 (Friday)

- Met with Sue Mellen, FMS Director, Ryan Ashe, Fire Chief, Sharon Day, FMS Assistant Director and Bart Johnson, Virginia Association of Counties Group Self-Insurance Risk Pool, Risk Management Director
- Attended New Employee Orientation
- Met with Sue Mellen, FMS Director, Sharon Day, FMS Assistant Director and Jason Purse, Assistant County Administrator; Budget
- Met with Dominion and VDEM; IPAWS
- Met with Liz Parham, Deputy County Attorney and Vernon Geddy, Esq., Geddy, Harris, Franck & Hickman, LLP

February 21, 2018 (Wednesday)

- Attended Virginia Peninsula Regional Jail meeting
- Met with Betsy Fowler, Library Director
- Met with Sue Mellen, FMS Director, Sharon Day, FMS Assistant Director and Jason Purse, Assistant County Administrator; Rebecca Vinroot, Social Services Director, Barbara Watson, Social Services Assistant Director, Stephanie Lahr, Senior Budget and Accounting Specialist; Budget
- Attended department budget meeting: Human Resources
- Met with Grace Boone, General Services Director

February 22, 2018 (Thursday)

- County podcast with Renee Dallman, Public Information Officer
- Attended James City County Black History Celebration at Legacy Hall

February 23, 2018 (Friday)

- Attended Coffee with the County Administrator staff event
- Met with Brad Rinehimer, Police Chief
- Met with Jason Purse, Assistant County Administrator, Sue Mellen, FMS Director, Sharon Day, FMS Assistant Director and Jeff Wiggins, Budget and Accounting Analyst; Budget
- Met with Amy Jordan, Economic Development Director

February 26, 2018 (Monday)

- Attended Historic Triangle Collaborative meeting
- Attended department budget meeting: General Services
- Met with Sue Mellen, FMS Director
- Met with Ryan Ashe, Fire Chief
- Met with Paul Holt, Community Development Director

February 27, 2018 (Tuesday)

- Attended agenda meeting
- Met with Ryan Ashe, Fire Chief
- Met with Ruth Larson, Board of Supervisors Chair and Jim Icenhour, Board of Supervisors Vice Chairman; WJCC schools
- Attended Board of Supervisors meeting

February 28, 2018 (Wednesday)

- Attended School Liaison meeting
- Attended department budget meeting: Registrar
- Attended department budget meeting: IRM
- Met with Amy Jordan, Economic Development Director
- Met with David Bollenbeck from Evergreen

March 1, 2018 (Thursday)

- Attended department budget meeting: Social Services
- Attended department budget meeting: Fire
- Attended department budget meeting: Community Development
- Attended ELT meeting

March 2, 2018 (Friday)

- Attended department budget meeting: JCSA
- Attended department budget meeting: Parks & Recreation
- Attended department budget meeting: Police
- Attended department budget meeting: Sheriff
- Attended department budget meeting: Treasurer
- Attended department budget meeting: Commonwealth Attorney
- Attended department budget meeting: Economic Development
- Met with Karen Riordan, Greater Williamsburg Chamber & Tourism Alliance CEO, Jeanne Zeidler, Williamsburg Community Health Foundation CEO, Sue Mellen, FMS Director and Sharon Day, FMS Assistant Director

March 5, 2018 (Monday)

- Met with Adam Kinsman and Sue Mellen, FMS Director
- Attended pre-agenda meeting
- Met with Patrick Teague, HR Director and Sue Mellen, FMS Director

March 6, 2018 (Tuesday)

- Met with Ruth Larson, Board of Supervisors Chair and EDA Directors: Marshall Warner and Robin Bledsoe
- Met with Paul Holt Community Development Director

WCP/nb
CAReport031318-mem

AGENDA ITEM NO. L.1.

ITEM SUMMARY

DATE:	3/8/2018
TO:	The Board of Supervisors
FROM:	Teresa J. Fellows, Deputy Clerk
SUBJECT:	Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

ATTACHMENTS:

	Description	Type
	Certification of Closed Meeting	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/6/2018 - 9:05 AM

R E S O L U T I O N

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711 (A)(1) of the Code of Virginia, consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions.

_____
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

_____
Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	AYE	NAY	ABSTAIN
MCGLENNON	____	____	____
ICENHOUR	____	____	____
SADLER	____	____	____
HIPPLE	____	____	____
LARSON	____	____	____

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of March, 2018.

031318-bos-ex-res

AGENDA ITEM NO. L.2.

ITEM SUMMARY

DATE: 3/13/2018

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Agricultural and Forestal District Committee Appointments

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ATTACHMENTS:

Description	Type

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	2/21/2018 - 12:39 PM
Development Management	Holt, Paul	Approved	2/21/2018 - 12:40 PM
Publication Management	Burcham, Nan	Approved	2/21/2018 - 1:35 PM
Legal Review	Kinsman, Adam	Approved	2/23/2018 - 9:35 AM
Board Secretary	Fellows, Teresa	Approved	2/26/2018 - 9:44 AM
Board Secretary	Purse, Jason	Approved	3/6/2018 - 1:53 PM
Board Secretary	Fellows, Teresa	Approved	3/6/2018 - 2:00 PM

AGENDA ITEM NO. L.3.

ITEM SUMMARY

DATE: 3/12/2018

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Social Services Advisory Board Appointment

ATTACHMENTS:

Description	Type

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Watson, Barbara	Approved	2/23/2018 - 10:21 AM
Community Services	Vinroot, Rebecca	Approved	2/23/2018 - 10:38 AM
Publication Management	Burcham, Nan	Approved	2/23/2018 - 11:54 AM
Legal Review	Kinsman, Adam	Approved	2/26/2018 - 11:50 AM
Board Secretary	Fellows, Teresa	Approved	3/5/2018 - 11:27 AM
Board Secretary	Purse, Jason	Approved	3/6/2018 - 1:55 PM
Board Secretary	Fellows, Teresa	Approved	3/6/2018 - 2:01 PM

AGENDA ITEM NO. M.1.

ITEM SUMMARY

DATE: 3/13/2018

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Adjourn until 9 a.m. on March 16, 2018 for the Joint Meeting with the W-JCC School Board and the City of Williamsburg at Legacy Hall

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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/1/2018 - 8:35 AM